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THE NATION

APRIL 29, 1978 60 cents

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THE CIA IN WAR AND PEACE

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LETTERS

the 'the' in 242

Portland, Ore.
Lord Caradon states [*The Nation*, Mar. 18]: "When we drew up Resolution 242 we all took it that *the* [emphasis mine] occupied territories would be restored to Jordan." It is true that Lord Caradon introduced a resolution to restore *the* occupied territories but it is also true that the United States refused to concur in such resolution until the word "the" was eliminated, leaving the natural construction that some but not all of the occupied territories would be returned.

The first section of 242 requires "the establishment of a just and lasting peace" in the Middle East and termination of belligerency. Except for Anwar Sadat's statement in Jerusalem, which he made eleven years after the passage of 242 and after he initiated a full-scale war, none of the Arab states has renounced its belligerency or acknowledged the "sovereignty, territorial integrity and political independence of Israel." . . .

Remember that medieval-minded Arabs killed Jews in Palestine before the Jews had a state and before they had any territory allotted to them, as well as after they had a state and internationally acknowledged territory. The killing of Jews by Arabs was more easily accomplished before the borders were changed in June 1967. Is that facility what Lord Caradon and *The Nation* are seeking to restore? *The Nation*'s past would not justify that conclusion but Great Britain's perfidious past magnifies it. When the Anglo-American Commission was considering the Palestine problem Albert Einstein testified that Great Britain would not honor its promise to abide by the commission's determination for an independent Jewish state in Palestine. Einstein was right. *Reuben Lenske*

Princeton, N.J.
It has been said before that the word "the" in Resolution 242 was cut out at American insistence. This is not true and I took the trouble recently to check from the records made at the time.

We did not include the "the" for the reasons which I stated in the editorial in *The Nation* of March 18—for the simple reason that the 1967 boundaries were unsuitable in many ways for a permanent frontier. *Lord Caradon*

communications gap

Kingston, R.I.
Upon reading your editorial "The Virus Gap" [Feb. 25] I was more than slightly surprised. As a college student trying to make sense out of the world I am growing into I have come to rely on *The Nation* for calm, serious, objective probing of current events both at home and abroad. This editorial, however, borders on the hysterical. Although it is true that U.S. military academies have been hit much harder than have civilian academies by the A/USSR/77 virus, it seems hardly rational to lay the blame for this at the feet of the Russians. You cite "preliminary evidence" that the USSR "possesses a technological capability in virus proliferation that far surpasses our own" but none of this evidence is presented. . . . This type of inflammatory journalism is highly disturbing. . . . *Clifford M. Shatz*

We regret having distressed Mr. Shatz, and are a little ashamed of ourselves for having done so. Irony and sarcasm, we well know, are dangerous journalistic tools—however heavily you lay them on, someone is sure to take you seriously. To set straight the matter of "The Virus Gap," no, we don't really think the Russians are infiltrating us with flu germs programmed to lay low our military academies. *—The Editors*

EDITORIALS

Anti-Disinformation Business

Over the past few months a number of friends of *The Nation* have journeyed to Cuba and each came back with an intriguing report. James J. Storrow Jr., former publisher of this magazine, saw two societies: the young, whom he found "transformed into the Caribbean equivalent of 'Good Germans'—with the most un-Latin qualities of discipline, order, sacrifice and goal-oriented hard work." And the older people ("though they admire Castro and call him a genius, they don't trust him one bit and feel he is both misled and misleading").

Carol Ferry, in the course of a remarkable set of notes on a ten-day journey observed, "It is all very well to say that of course the *campesinos*, whose children had been starving to death for generations, would greet the revolution with joy; they were full members of society for the first time. But for people who had previously been in the favored classes to grasp the necessity of common effort and to have the ability to put the common good before their own desires, no matter how virtuous those desires, is really a miracle.

"Would any of us be able to live there? We all had different opinions about that. I think that if I had a job that was helpful and interesting, I would love it. But that's a big if, and the miracle includes people doing boring jobs with grace."

And then there was the fellow whose postcard to us trenchantly noted that "Most Americans would find most of Cuba admirable: hard work, puritanism, rough penal code including that American delight *muerto* for rape & homicide, dislike of oddballs, esp. homosexuals, good plain food, basic education, no frills at any level, no tipping and so on."

None of these accounts is at odds with Peter Winn's more systematic status report on what he thinks of as virtually a second Cuban Revolution (p. 494)—which involves, in part, a move from romanticism to realism, but a realism unfamiliar to our own culture.

It is more than a play on words to move from a consideration of how far Cuba has come down its revolutionary road to Robert Sherrill's devastating account (p. 498) of the way in which our own coal industry's truckers, carrying thousands of illegal overloads each year, are pounding our own roads to dust. As Sherrill points out, "On one visit to TVA's Kingston plant in 1974, for example, the Knoxville *News-Sentinel* found that 55 percent of the coal trucks were weighing in above the legal gross limit. On some days, 98 percent of the trucks were overweight."

Even as Sherrill documents how the local pols and the contract truckers have collusively operated to ignore legal limits, Cynthia Arnson and Michael Klare (p. 502) take as their starting point that a year and a half after Congress passed a comprehensive embargo on military sales to Chile, General Pinochet's armed forces are still receiving U.S. arms, ammunition and military equipment. Despite the extended ban on arms deliveries to Chile starting in 1976. Chile received more than $57 million worth of U.S.

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arms in 1977 and is scheduled to received a comparable amount in 1978.

It would be foolish to suggest that Cuba lacks its share of corruption, but one gathers from the various reports that the most striking feature of contemporary Cuba is a collective sense of purpose, a dedication to what conservatives like to call the public interest, which seems, on the irrefutable evidence of Sherrill, Arnson and Klare, to be relatively absent from and alien to the dominant American mood.

If there is a theme which runs through this issue, it is included in Sylvia Kronstadt's demonstration (p. 505) that, contrary to the conventional wisdom, there has been no improvement in the status of working women, and in Morton Halperin's neat observation (p. 512) that ex-CIA man Frank Snepp used some of the deceptive techniques taught to all CIA officials to insure that his book could be published by Random House before it was enjoined by the agency. It has to do with what Aaron Latham, in his review of Edward Jay Epstein's *Legend*, calls disinformation. *The Nation* is in the anti-disinformation business—in Cuba, in Appalachia, in the Pentagon and, yes, even in the CIA itself.

Spiro T. Lance

Someone ought to give a copy of the Constitution to Bert Lance. Perhaps his friend President Carter could hand it to him, with the Bill of Rights underlined. For it is clear from the text of Lance's truly astonishing speech to the American Society of Newspaper Editors on April 12 that, although he cites it for his purpose, this troubled and troublesome banker from Georgia has not the least grasp of his country's fundamental law. If Bert Lance had ever so much as glanced at the words of the First Amendment he could not have uttered the following:

"In the absence of self-discipline and internal reform, other groups may find it necessary to step in and subject the press to the same rigorous standards of ethics and truthfulness that the press applies to the rest of us. That threat is called censorship, and I may be mistaken, but I think it is a conceivable outcome of what appears to be a headstrong refusal to get your own house in order."

The nation's editors listened to this oration with "rapt attention," according to *The Washington Post*, and gave it "a healthy round of applause." Masochism must be the dominant trait in the ranks of the ASNE; sackcloth and ashes must have been the uniform of the day. These guardians of our basic freedoms apparently could find no words with which to answer Lance's outrageous and provocative threat. Much of the editorial comment since then has consisted of defensive *ad hominem* stuff, merely insisting on the right and duty of the press to report on the doings of Bert Lance.

The newspaper editors may have looked on Lance as an ignorant clown, not worth taking seriously. A strong case might be made for that view if Lance had not been President Carter's closest colleague in the government and the head of the Office of Management and Budget until his grotesquely tangled personal finances forced his resignation. He has still not been disowned by the White

IN THIS ISSUE

April 29, 1978

EDITORIALS

490 Anti-Disinformation Business; Spiro T. Lance; Who Let Them Down?; With Full Respect

493 Bhutto: The Tables Turned — *William J. Drummond*

ARTICLES

494 Post-Utopian Cuba: Evolution in the Revolution — *Peter Winn*

498 Ploughing the Highways: Truckers Blitz the Interstate — *Robert Sherrill*

502 Pipeline to Pinochet: Law or No Law, the Arms Flow — *Cynthia Arnson & Michael Klare*

505 Women v. the City of Denver: "New Frontier" for Equal Rights — *Sylvia Kronstadt*

507 Richmond's Congressional Record: Brooklyn Supports Its Congressman — *Fred Powledge*

BOOKS & THE ARTS

509 Epstein: Legend: The Secret World of Lee Harvey Oswald — *Aaron Latham*

510 Horne: A Savage War of Peace — *Michael Mewshaw*

511 Survey of the Whole (poem) — *May Swenson*

512 Smith: Portrait of a Cold Warrior
Snepp: Decent Interval
Rositzke: The CIA's Secret Operations
Phillips: The Night Watch — *Morton H. Halperin*

513 Wilson: The Investigators — *Sanford Levinson*

514 Dawn Lake (poem) — *Etta Blum*

515 Theatre — *Harold Clurman*

516 Films — *Robert Hatch*

516 Kicking the Candles Out (poem) — *Mark Jarman*

517 Music — *David Hamilton*

518 Indigenous Music — *Nat Hentoff*

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House, even as the Securities and Exchange Commission, the Comptroller of the Currency and a prosecutor or two poke around in his messy and questionable books. In fact, immediately after that shocking speech, Carter's principal aide, Hamilton Jordan, told the assembled editors that Lance was "our friend. It's not been demonstrated to us that he's done anything illegal or wrong in his personal life."

How could the editors have sat silent as Lance uttered such nonsense as "Truth in journalism is not just an intellectual exercise. It is a constitutional obligation. It is the *quid pro quo* for the First Amendment protection of our free press. . . ." ? Why didn't one of them rise up and instruct him that the men who wrote the First Amendment meant to protect all forms of speech, truthful or not, hoping that "the truth will make men free" after it had conquered the lie? How could at least one properly provoked editor have failed to ask Lance how he thought censorship could be imposed in this country, without nullifying the basic law? (We have dared to do this only during major wars.) The newspaper editors individually and the ASNE as their collective organization forfeited much of their constantly claimed franchise to defend free speech when they let Lance get away with the incredible statement that it was "possible, if these abuses continue unabated, the press will lose one of its most cherished privileges, the right to monitor itself." (Note the misuse in that sentence of both "privilege" and "right.") Even Spiro T. Agnew, with his Safire-ghosted attacks on the media's "nattering nabobs of negativism" never dared to go that far, at least in public. Since Safire, who went from guiding the pens of Nixon and Agnew to political pontificating for *The New York Times*, has just received a Pulitzer Prize for columns thought to have persuaded Lance that the jig was up, one awaits with interest his comment on this latest case of a public figure who finds newsprint too hot for comfort.

T. Bertram Lance, of course, was thinking much more of how the press dealt with his peculiar history than with general constitutional principles. He had a weak case (and therefore typically overstated it) because his downfall resulted much more from the investigative work of government agencies than from revelations by the press itself. Yet he had the nerve to attack the press for reporting an official SEC complaint that, while he was OMB director, he met at a Washington Club with two men, one of whom wanted to buy and the other to sell control of the banking chain called Financial General, to discuss that strange and illicitly secret deal. (Lance says the SEC complaint is false and that Financial General was not discussed at the Metropolitan Club; nevertheless, he has signed a consent agreement with the SEC on this matter, which means that he has agreed to stop doing what the SEC complained of without admitting any wrong.)

The time is really long past when Lance should have been banished frbm American public life. The ASNE should never have offered him its forum to peddle his nonsense on "censorship." This swinging politico-banker should be ostracized and left to the company of his Arab banker friends. They, of course, would want no part of him if he lost his key to the White House back door, but that is their problem and his. The country's problem with Lance, and the President's, could be solved if Carter would just change the locks at 1600 Pennsylvania Avenue.

Who Let Them Down?

We shall have to wait another year or so, until his multimillion-dollar memoirs come out, before we can plumb the depth of Henry A. Kissinger's reflections on the war in Indochina. However, there was a hint the other day from San Antonio that his mind has not changed on the lessons of that adventure—a quite dreadful hint.

Kissinger went down to Texas on March 31 to speak at the annual dinner of some Air Force units at Randolph Air Force Base that had flown missions in Indochina and then brought home the U.S. prisoners of war when they were released by Hanoi. The former Secretary of State said it was "a great honor" to address the group, and added, referring to the former POWs, some of whom were present, that he had "spent many years trying to negotiate their release." Then, after praising the former POWs for serving in the war "with great heroism," Kissinger made the following remark: "I frankly think the country let them down . . . in not seeing it through to a successful conclusion."

Note the diplomatic tone in his language. He did not say that we should have "won" that war (though that is how it will be generally taken). He merely said that it should have ended successfully. Naturally, he did not say how that could have happened; he is too wily to be caught in such a trap, and any prescription he may have compounded after the fact he is saving for his memoirs—with perhaps a leak or two to NBC, which is paying him $1 million over the next five years for his advice, on and off camera.

But Americans have most of the record of the eight Kissinger years in power, and perhaps it is time to remind ourselves of some of the attempts he made in that period to reach a "successful conclusion" in Vietnam, Cambodia and Laos. As he may have failed to remind the men of the 560th Flying Training Squadron and the 12th Flying Training Wing in Texas, 20,492 more Americans died in the vain quest for that success. The war was carried to Cambodia, destroying that country. Hundreds of thousands of Vietnamese died in the devastated "free fire" zones, in the stepped-up Operation Phoenix (Saigon claimed 41,000 "enemy" victims from this counterinsurgency drive, once run by the CIA's William Colby) and in efforts such as "Speedy Express" in the Mekong Delta. The latter, a terror operation if ever there was one, was supposed to "cleanse" Kien Hoa Province of National Liberation Front control—it killed 11,000 while capturing 750 weapons, says a U.S. Government report. And all this while, out of reach in the skies above the ruined land, our bombers were raining down impersonal death.

None of this brutal force worked for the cause Kissinger so ardently supported—not even the bombing of a hospital in Hanoi bent the adversaries' will. So Kissinger fell back on a corrupted form of diplomacy, lying to

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Saigon and Hanoi, offering bribes he never meant to pay. Those were his famous "negotiations," and once, he falsely claimed, peace was "at hand." Slowly Nixon and his man Kissinger withdrew American forces, leaving the "Vietnamized" war to our crooked puppets in Saigon to lose in their own hopeless way.

The government of the United States washed its hands of that war in Indochina, and Kissinger was the chief hand-washer. And now he dares to tell veterans of the fighting that it was "their country" that "let them down." What more does one need to know about Henry A. Kissinger to assign him his proper dark niche in this nation's history?

With Full Respect

We hoped to strike a spark when, in the issue of April 8, we ran "A Plaque for Vietnam," Josh Martin's editorial on the Pentagon's inability to find an unidentified corpse from the late war sufficiently intact to qualify for interment in the Tomb of the Unknown Soldier. It pleases us to report that Sen. George McGovern took fire.

In a letter to Secretary of Defense Brown, a copy of which he thoughtfully sent us, the Senator expresses his "incredulity" at the Pentagon's "arbitrary and frankly incomprehensible bureaucratic nit-picking" in this matter. Adding that, whatever differences Americans may have about "the wisdom of that conflict," the men who died there deserve the same honor accorded those who died in earlier wars, he urges Secretary Brown to "solve this incredible situation." "It seems to me," says Senator McGovern, "that the body count in Vietnam was tragically high without the Pentagon now counting the appropriate percentage of a body required for the Unknown Soldier of that war."

The fact is that those responsible for the war in Indochina want it forgotten. But Senator McGovern was not responsible for it, nor were we, and we join him in hoping that America may have a place to pay its full respects to the men who gave their lives in that needless adventure, whatever respect history may choose to pay those who sent them to die.

Bhutto: The Tables Turned

William J. Drummond

Zulfikar Ali Bhutto, who was never one for putting principle above expediency in politics, has now had the tables turned on him. The former Prime Minister of Pakistan finds himself the designated victim of an imminently fatal form of judicial expediency. Bhutto, whose government was overthrown last July in a coup led by Gen. Mohammad Zia ul-Haq, faces death by hanging for the murder of a political opponent. This proposed execution of a former head of state would set a disturbing precedent for a region that is already too often the scene of bloody political violence and opportunism.

His present plight in no way discounts Bhutto's own sorry record of expediency; the seeds of his predicament can be found as far back as his college days at the University of California, Berkeley, where he graduated with honors in political science in 1950. He was a Moslem who identified with the movement to form Pakistan, but he managed to be elected president of the Indian Students Association. A classmate said the source of "Zulfi's" popularity was the tab he ran at the most popular brothel in nearby Vallejo. He generously allowed his friends—both Hindu and Moslem—to charge on his account.

Although he and his family were prominent in the early period of Pakistani politics, Bhutto nevertheless kept an extraordinary suit going for years in Bombay High Court in India, attempting to recover property seized there after the 1948 partition of British India into the Islamic state of Pakistan and the secular Indian Union. In his proceedings before the Indian court, Bhutto asserted that he had never opted for Pakistan!

It was this attribute of utter brass that made Bhutto such a durable and fascinating figure in the politics of Pakistan and the South Asian region. His gall carried him finally to the heights of political power, through a circuitous, devious route, and it may have caused his final undoing.

In December 1971, India's force of arms clove the unwieldy geographical absurdity called Pakistan in two—establishing Bangladesh out of the former eastern wing of the country. Agha Mohammad Yahya Khan, the hard-drinking head of the military government, had led his country into disaster, attempting to overturn an election in 1971 that would have made the Bengali, Sheik Mujibur Rahman, Prime Minister of all of Pakistan. Bhutto, whose party had polled the most votes in West Pakistan, but came in second to Mujibur Rahman in the total balloting for both wings of the country, would have been relegated to leading the opposition in a central Parliament.

Did Bhutto egg on Yahya to make the fateful move to suppress the election? At the time, Bhutto's enemies claimed he had. All we know is that in December 1971, at the darkest moment in Pakistan's history, as its U.S.-equipped army lay in defeat and nobody knew if what remained of West Pakistan would hold together, Bhutto rose to the occasion. The discredited President Yahya and the military happily handed Bhutto control of the government.

Imposing his will on the chaos, Bhutto brought order. When will wouldn't do, he resorted to guile. And when neither will nor guile would do, he was capable of taking any means necessary to achieve his end. His accomplishments were significant: civilian rule, a Constitution, toleration of a vocal opposition, and elections. On the other hand, he used the powers of his office with impunity and

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William Drummond, a Los Angeles Times *reporter now assigned in Washington, covered the Indian Subcontinent from 1971 to 1974.*

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with a heavy hand to reward friends and punish opponents.

Even by Asian standards, ruling Pakistan is by no means the same as ruling most countries; it is a violent country. Regional and tribal divisions are volatile and dangerous. The heavily armed, warlike tribal people of the North West Frontier Province and Baluchistan are motivated by two imperatives: hospitality and revenge. The notion of a nation-state has no practical meaning for the tribal Pakistanis. The tribesman thinks of himself as first a Pathan, Baluch, Menghal, or Bugti, and he will kill for honor's sake, for booty or in self-defense, just as his forebears did during the British Raj. Significantly, the political opponent whose death resulted in criminal charges against Bhutto was a Baluch tribesman.

In light of Pakistan's violent nature, it is unconvincing that the death sentence handed down to Bhutto represents a reasonable and just application of law. This is not to dispute the findings made by the full bench of the Lahore High Court on March 18 in convicting Bhutto and four others of murdering Mohammad Ahmad Khan. (Actually, according to the prosecution, the intended victim was Ahmed Raza Kasuri, but the assassins accidentally killed his father.) The unanimous verdict of five judges, after a trial that lasted from September 9, 1977, until early March of this year, was that the "offenses with which the accused were charged were proved to the hilt."

The Pakistani Government, through its Embassy in Washington, issued a statement on the Bhutto conviction that contains much merit. It said, "The Constitution does not grant immunity from law to anyone in the country, however high his rank or status may be, nor does it declare anyone to be above law; and yet the principal accused [Bhutto] has acted as if either there were no law in the country relating to homicide or as if he enjoyed complete immunity from law."

Granted that Bhutto, like anybody else, should be subject to the application of the law, the question is whether death by hanging is the proper penalty for his crime. Clearly it is excessive and extraordinary—out of line with Pakistan's past behavior in dealing with political and military figures who were involved in the deaths of their antagonists.

Yahya Khan is the best example. As President, he was the person ultimately responsible for the tragic army crackdown in East Pakistan in 1971 that resulted in deaths of many hundreds and perhaps thousands of people. After Yahya was deposed, however, he was placed under house arrest in a villa not far from Rawalpindi where he lived in relative comfort, amply supplied with strong drink. The argument that nobody is above the law is a good one, but it has hardly been observed in Pakistan over the years.

Bhutto was sentenced to die because, like the Romanovs after the Bolshevik Revolution, as long as he lived, he would be a threat to the regime. His life is in jeopardy precisely because of his popularity.

His People's Party last March won a landslide victory in the elections. The lopsided result of the contest led many Pakistanis to believe that the election had been rigged, a procedure not at all out of character for Bhutto. However, even his opponents would concede that his party would have most likely won a substantial, if not predominant, share of the votes in a fair election. Rioting broke out because, honestly or by trickery, he had reduced the opposition Pakistan National Alliance to insignificance. The rioting precipitated the coup led by Gen. Mohammad Zia ul-Haq, who will eventually decide if Bhutto goes to the gallows.

Appeals for clemency have been made to General Zia from statesmen, academics and political leaders. Aside from humanitarian considerations, Zia might keep one thing in mind: whatever Bhutto did, he succeeded in holding Pakistan together when it could very easily have vanished from the map altogether, with India absorbing the Sind and the West Punjab, and Iran and Afghanistan carving up the Pathan and Baluch tribal lands.

If Mohammad Ali Jinnah created Pakistan, Bhutto certainly saved it. And for that reason alone, the state of Pakistan owes him his life. □

POST-UTOPIAN CUBA

EVOLUTION IN THE REVOLUTION

PETER WINN

The heroic phase of the Cuban Revolution has come to an end and a new one has begun. That change was evident to me even from a brief, but intensive, visit to our nearest Caribbean neighbor. It can be seen in the more plentiful consumer goods and services and in the new stress on synthesis, institution building and the quality of life. It is apparent in the more realistic economic policies, the new forms of popular participation and the increased respect for Soviet experience. It is evident as well in the Cubans' reluctant realization that their 1960s attempt to construct socialism and communism simultaneously was utopian. Together, these developments within present-day Cuba represent a sea change in the course of the revolution. They may also signify its coming of age.

This evolution within the revolution strikes one immediately in the country's rhetoric and art. It is graphically clear in the Pop art billboards that mobilize Cubans for the Eleventh Youth Festival and urge adults to win "the battle of the sixth grade"—a far cry from early

Peter Winn has taught Latin American history at Princeton and is at present a fellow at Columbia University's Research Institute on International Change. His Nation *and newspaper articles won him the 1976 Latin American Studies Association Award for Distinguished Scholarly Contribution to Public Understanding of Latin America.*

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campaigns to combat counterrevolution, wipe out illiteracy or harvest 10 million tons of sugar. The change is also to be found in the new literature of the revolution, which fictionalizes and celebrates the epic events of the heroic phase—the Sierra Maestra and the Bay of Pigs, the literacy drive of 1961 and the 10-million-ton harvest campaign of 1970. Once they were the living symbols of the revolution's struggle for survival; now absorbed into fiction, they are being transformed into myth. Clearly, the heroic phase of the revolution is over. What is less certain—and little recognized abroad—is what has taken its place.

The survival and stability of the revolution are no longer in question. The irreversibility of the revolution is generally accepted and the Castro government seems genuinely popular. In Cuba, charisma, nationalism and social change have created a popular identification with the political leaders that is rare in Latin America at present and also establishes the regime's legitimacy and stability.

Fidel Castro and *compañeros* have done far more in almost two decades of rule than consolidate their power. They have also led a dramatic transformation of Cuban society. Successive agrarian reforms have made rural Cuba into a land of state farms (and producer cooperatives), although a significant, but declining, number of small private farmers remain. An even more drastic restructuring of the manufacturing and service sectors has brought everything from the largest factory to the smallest store into the public domain.

Cuba is also a far more egalitarian society than it was two decades ago. Rationing, the leveling thrust of the revolution and the expansion of public services, with priority for rural and urban slum areas, have limited the significance of personal wealth and reduced the inequalities of incomes and living standards, although differentials remain and may increase as more consumer goods become available. The egalitarian character of revolutionary change is also apparent in social relations, which are remarkable for their lack of deference, and in the campaigns against racism and sexism, as yet only partially successful, particularly among the older Cubans.

However, the Cuban Revolution has staked its future on youth, on the formation and socialization of a new revolutionary generation uncontaminated by the prejudices and aspirations of the old "bourgeoisie." Central to its egalitarian thrust, therefore, has been the equalization of opportunity for the young people of Cuba through the enormous investments in education and public health that are the great success stories of the past decade.

The first revolutionary generation is now coming to maturity with the professional preparation and technical training that their parents lacked, and perhaps with the collectivist consciousness as well. They may not all be examples of the "New Socialist Man" whom Che Guevara preached and himself epitomized—self-sacrificing, completely committed, idealistically internationalist—but they have been formed by the revolution and most of them take its existence, Socialist values and Communist goals for granted. More than anything else, it is this new generation that represents the consolidation of the Cuban Revolution, begun as the quixotic dream of the student generation of twenty-five years ago.

In the years between, the student revolutionaries who attacked the Moncada Barracks in 1953 and fought with Fidel Castro in the Sierra Maestra have led their country through a sometimes bewildering succession of strategies for revolutionary change and economic development, not all of them successful. The uneven performance of the Cuban economy, the failure of guerrilla movements elsewhere in Latin America, and perhaps Cuba's continuing dependence upon Soviet assistance presaged the reassessment and modification of the Cuban model of the 1960s, characterized by a reliance on moral incentives, voluntary labor and centralized administration, as well as spontaneity, collectivist consciousness and mass mobilization.

The many-faceted failure of the symbolic effort to harvest 10 million tons of sugar in 1970 was the climactic event and causal turning point of the revolution. It was not just that moral incentives and an unprecedented mass mobilization had failed to meet the unrealistic goal, but that the economic, social and political costs of the attempt to do so were so heavy and so revealing of weaknesses in Cuba's planning, decision making and administration, as well as of the flaws in its utopian vision of an accelerated transition to pure communism.

These were painful lessons, but the Cubans learned them, profiting from their mistakes and reconsidering the models of social change and economic development on which they had shaped their revolution. Out of this rethinking came a reluctant acceptance of the limits which objective conditions place upon the speed and scope of revolutionary change—no matter how elevated the consciousness, intense the dedication, or massive the mobilization. A sadder but wiser Cuba was now prepared to give up the goal of simultaneously constructing socialism and communism, to accept the Soviet's phased model of a transition to socialism and to learn from the experience of other Socialist nations.

The Cuban Revolution, Fidel Castro explained, had grown up, learning along the way. Clearly, the Cuba of the 1970s was to be very different from the revolution of the 1960s and foreign observers—including former friends—warned ominously of the "Stalinization," "Russification" and militarization of Cuban society.

The differences between the Cuba of today and that of a decade ago are marked, but the darkest prophecies of that earlier time have not been fulfilled. The revolutionary élan and optimism are still there, as are the high levels of collective energy and mass participation that have characterized the Cuban Revolution from the start. The changes are equally important, however, beginning with an easing of the crisis atmosphere and blockade mentality.

In economic policy, the evolution over the past decade can be felt in the setting of more realistic production goals and in the declining importance of voluntary labor, as well as in the combination of central planning with decentralized administration, and of material

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with moral incentives. The rate of savings has been eased to permit increased spending on consumer goods, recreation and housing.

With its production and processing increasingly mechanized, cane sugar remains the core of the Cuban economy, complemented by tobacco and nickel, but with growing returns from such nontraditional exports as citrus fruits and fish. Industry, no longer viewed as Cuba's economic salvation, is being allowed to advance at an easier pace and in a more natural pattern, that of processing Cuba's raw materials and responding to its urgent consumer needs, such as clothing and construction.

At bottom, the present economy differs from that of the 1960s in being relieved of idealistic experimentation and pendulum swings of economic strategy and is thus better able to seek a stable synthesis comprised of modern technology, Socialist experience and Cuban comparative advantage. Cuba's integration into Comecon has provided both price stability for Cuban exports and assured supplies of energy, machinery and consumer goods at subsidized prices—although at the cost of a continuing dependence upon Soviet economic assistance and, in some areas, of inferior goods. At the same time, expanding trade with a widening group of capitalist countries has helped Cuba diversify this dependency and to gain access to more advanced or appropriate technology.

In 1978, Cuba is neither a consumer paradise nor an economic miracle, but its growth rate is respectable and more consumer goods are available than were to be had a decade ago. I heard complaints about high prices, low-quality goods and bureaucratic inefficiencies, but the people seem generally agreed that "the hard years" are behind them.

Another factor in the improved performance of the Cuban economy has been the growth of popular participation in economic planning and administration, in both the work place and the community. Workers debate the feasibility of the plan proposed for their enterprise and are encouraged to offer criticisms and suggestions. Under the new economic structure, although planning is still a central government prerogative, administration of the plan is decentralized and worker representatives are consulted on how it should be applied and on problems that arise, including those which the workers themselves identify. The results have been uneven but on balance good, in terms of both participation and productivity.

In the past two years, community participation in economic administration at the local government level has been added to participation at the work place. The new political system of *poder popular* (popular power) has transferred the administration of many economic enterprises to municipal assemblies that are directly elected and authorized to allocate the resources available to the municipality under the national plan, hire and fire administrators of economic units, and solve problems raised by their constituents. Though bureaucratic problems remain—a Latin legacy compounded by the expanded role of the Socialist state—the result has been a more flexible, agile and responsive administration than the ministerial bureaucracies of the past could provide.

In an attempt to make certain that they are representative, municipal delegates must be nominated in open neighborhood assemblies, run against at least one other candidate, and be elected by a majority of the votes cast in direct, secret elections. Further, the delegates must hold weekly office hours in each of the election districts they represent, justify their conduct before bimonthly local "accountability assemblies," and be subject to recall—several cases of which have already occurred. In effect, the municipal delegates function as neighborhood ombudsmen, city councilmen and local administrators. Only about half of them are Communist Party members.

It is too early to offer a definitive assessment of Cuba's two-year-old experiment with popular power, particularly on the basis of my limited exposure to it. However, its inauguration has already made a difference in the daily lives of ordinary Cubans: services are better, bus stops get built, incompetent or arrogant administrators are replaced. Moreover, an evening spent observing a local delegate's office hours confirmed what I had been told in conversation: that Cubans view this local representation as their democratic right and insist that *their* delegate solve *their* problems. If anything, one delegate confessed, the difficulty was that his constituents expect too much of *poder popular*. He could not solve their job, housing or marital problems, he explained, although he could often direct them to the appropriate agency and perhaps telephone ahead to ease their path. At first glance, local democracy seems to be taking root in Cuba.

What is less clear is the democratic significance of the *poder popular* assemblies that have been established at the provincial and national levels, the members of which are elected by the municipal assemblies, rather than directly by the people they represent. Regional administration of the economic plan seems to be the main function of the provincial assemblies, but on paper the National Assembly has the power to pass legislation, monitor the conduct of state ministries and agencies, and approve (or reject) ministerial appointments, economic plans and government budgets.

Since the creation of *poder popular* in 1976, only two National Assembly sessions have been held, during which no conflicts between legislature and Executive have arisen, a fact which Cuban officials attribute to the extensive process of consultation at earlier stages of decision making. Given the relatively brief annual sessions of the National Assembly and the limited time allotted to business not already on the agenda—housing and industrial pollution were the most important matters brought up during that part of the December 1977 session—the reality of people's power at the national level may depend upon the performance of the specialized legislative committees, which meet throughout the year to oversee governmental operations and prepare legislation.

Although participants consider the National Assembly a success, this body has yet to display the autonomy, authenticity of representation and constituent accountability that popular power has achieved on the municipal level. It is clear, however, that political participation is

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now embedded both in the ideology and structure of revolutionary Cuba and in the expectations of its citizens.

The creation of a system of popular power reflects another of the defining characteristics of the new phase of the Cuban Revolution—its institutionalization. While many American commentators continue to depict Cuba as a country ruled by an omnipotent and capricious dictator—an image which was always wide of the mark—the hemisphere's first Socialist state has been engrossed in a far-reaching program of social and political institution building. To make government administration more rational and responsive, efficient and equal, fourteen provinces have been carved out of six, and 169 municipalities created and subdivided into 10,743 election districts. At each level *poder popular* assemblies have been elected and, in turn, have chosen from among their members an executive committee and specialized commissions to function in their stead between sessions.

A parallel process of institutionalization has been carried out in the judicial system and in the pre-existing mass organizations—the labor unions and small farmers' association, the Committee for the Defense of the Revolution and the Women's Federation—all of which have adopted a similar three-tiered structure and direct election of local leadership, along with organizing drives to broaden their memberships. Although the tension between the role of organized labor as a transmission belt for government policy and its articulation and representation of constituent interests persists, the new stress on institution building and popular participation has given the previously moribund unions new functions, legitimacy and significance.

Equally important have been the changes in the Cuban Communist Party, which has also undergone an extensive process of institutionalization. This culminated in the First Party Congress of 1975, when statutes were passed and for the first time the party's role in Cuban society was defined and delimited. In contrast to the 1960s, when the line between party and state was often blurred, the party is now to orient, but not execute, policy. It remains to be seen, however, whether the highly personal style of decision making that characterized the Cuban Revolution is also a thing of the past, as Fidel Castro and his Sierra Maestra comrades remain at the top of both party and state hierarchies.

The Congress of 1975 also instructed the party to expand its membership, so as to incorporate "the best of the good" as identified by their mostly nonparty coworkers, students and neighbors. Finally, to preserve the proletarian character of the revolution, the party was told by the Congress to stress the recruitment of workers, the goal being a blue-collar majority that was conspicuously absent in 1975, but said to be within reach by 1979.

Cuba's far-reaching process of institutionalization is reflected in the provisions of the new Constitution, which spells out the rights and responsibilities of Cuban citizens and institutions. Ratified by a national plebiscite in 1976, after extensive discussion at the local level, the Constitution resembles those of other Socialist countries and reflects a study of them undertaken by the Constitutional Commission. It guarantees Cubans an impressive array of political, economic and social rights, but with the reservation (Article 61) that rights cannot be exercised "contrary to the existence and objectives of the socialist state, or contrary to the decision of the Cuban people to build socialism and communism."

It is still too early to say how well these guarantees will be honored and most experts would agree that the experience of other Socialist states in this area is not encouraging. Talking with Cubans at all levels of society, however, I was struck by the seriousness with which they regard the Constitution's guarantees—whether of political representation, equal justice or cultural freedom.

There would also seem to be a tension between these mostly Soviet structural forms and Cuba's national character, conditions and aspirations. Thoughtful Cubans recognize this stress, but consider it creative. Out of it, they expect, will emerge a uniquely Cuban synthesis, reflecting as well the island's Western heritage and its revolutionary experience of mass participation. This notion of synthesis is not restricted to social and political forms. It is a defining characteristic of the new phase of the Cuban Revolution. Where the 1960s witnessed a Cuban attempt to blaze a wholly original path to communism, the originality of the Cuban Revolution now is seen to lie in its ability to take the best from East and West and combine them with Cuba's national character and revolutionary experience into a specifically Cuban socialism.

The new Cuban architecture is a visible symbol of this synthesis. At Alamar, near Havana, where a new city of 150,000 is being constructed, the basic vocabulary of Soviet prefabricated units is being used to create a new architectural language. The sense of design recalls Le Corbusier, and the whitewashed and brilliantly colored exteriors are uniquely Cuban. The result is a visually exciting and humanistic architecture that little resembles the bleak monotony of Soviet urban landscapes, although the basic elements are identical. The Cubans are confident that the same will be true of their adaptation of Soviet institutional models. "Never mind the structural diagrams," one high party official advised. "Look at how it functions in practice. We are a Latin and Caribbean nation, and that shapes the socialism that we are building."

Pragmatism and popular participation, institutionalization and synthesis define many of the contours of Cuba today. At the same time, the consolidation of the revolution and the achievement of many of its initial goals have made it possible for Cuba to focus still-scarce resources on raising the quality of life to levels that would have been considered luxurious a decade ago.

The assurance of a decent minimum living standard for all has permitted a new stress on the provision of consumer durables and recreation facilities. The completion of comprehensive educational and medical facilities enables planning in these areas to concentrate now on the quality rather than the quantity of services and allows resources to be invested in housing and hotels

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instead of clinics and schools.

Equally revealing of the change within the Cuban Revolution is the new emphasis on culture, previously a peripheral interest. Within the past two years, a Ministry of Culture has been established and Armando Hart, one of the revolution's most influential and creative leaders, has been named to head it. Since Hart was Minister of Education when schooling was a central revolutionary concern and later was put in charge of reorganizing the Communist Party, his latest appointment is viewed in Cuba as a sign that culture has now become a national priority.

In a recent speech to the Writers' Union, Hart confirmed this interpretation and emphasized as well that the new stress on culture signified the end of one phase of the revolution and the beginning of another. He quoted first the 1927 affirmation of the Cuban poet, Ruben Martínez Villena, that social justice was more important than his verses, and followed that with the dictum of José Martí, Cuba's independence hero and greatest poet: "Justice first, art later." Then, Hart concluded: "Justice has triumphed. Forward with art!" Whatever this stress on culture will mean for Cuba's artists and writers, the Cuban Revolution's new priorities are a measure of the distance it has traveled in two decades of evolution. □

PLOUGHING THE HIGHWAYS

TRUCKERS BLITZ THE INTERSTATE

ROBERT SHERRILL

In recent weeks the nation has watched anxiously as the miners of Appalachia fought their union contract battle with the owners of the mines. The economy of the country was seen to be at hazard and everyone breathed a sigh of relief when the men went back to work. But there is another crisis, evident everywhere in Appalachia but quite outside the terms of any union contract, which threatens to grow and spread and present an unalerted public with a different, though related, national disaster.

The most valuable natural resource in Appalachia is coal, but the most precious man-made resource is the road—any road that leads to the outside world, for isolation has been the historic plague of this region. The great dilemma of Appalachia is that the resurgence of the coal industry has brought great wealth to the owners and exploiters, but the transportation of that coal to market is robbing the residents of the region of their roads and highways. Heavy coal trucks, carrying thousands of illegal overloads each year, are pounding many of the roadways to dust.

The hypocrisy of the situation has not escaped the miners. Back in the days when President Carter was piously appealing for United Mine Workers to obey the Taft-Hartley injunction, George Dorton, a striker in the Norton, Va. area, watched the scab trucks roll by and remarked to a reporter, "The peanut farmer says the law must be enforced. What about this road here, and those trucks with no license plates and overweight and coal falling off everywhere and the drivers with no chauffeur's license. Why aren't those laws being enforced?"

The answer, as Dorton and all other residents of the Appalachian coal states know, is that there is one code for the miners and another for the mine owners and their contract truckers. Operating in collusion with the politicians of the region, the latter have for years treated the public highways and roads as their private property. Common sense and legal load limits have been ignored, as have the obvious structural defects of the roadbeds.

Roads that were built nearly half a century ago for auto travel are being subjected to trucks weighing up to 50 tons. Many of the secondary and local roads have been reduced to a chain of deep cracks and giant potholes; even some of the better roads on the primary system are beginning to crumble. As for the unpaved roads on which many thousands of Appalachian residents still depend (one-third of the road system in West Virginia, for example, is still unpaved and one-fifth in Pennsylvania), these have been so gouged and rutted that only the heavy trucks, which caused the damage in the first place, can use them safely. In some areas, residents are all but shut off from normal commerce. A trip to a distant market can be taken only at the risk of a broken spring or axle.

The situation will undoubtedly become swiftly worse in the years ahead as coal production increases. It will do so especially because more and more of the coal will come from strip mines; for, as Rep. Sam Gibbons (D., Fla.) has pointed out, strip mining "is a nomadic industry. As soon as the coal in one field is taken out, the stripper moves to the next one, tearing up an ever increasing number of roads that were never designed to handle such heavy cargo in the first place."

The U.S. Bureau of Mines expects truck transportation of coal to increase 50 percent by 1985. If the projected increase brings more misery to the motorists of Eastern coal states, it will also reveal a critical defect in any national plan to switch from oil to coal.

A study supervised by the Appalachian Regional Commission (ARC) has found that in the eight principal coal-producing states of the East, 52 percent of the roads and highways used to haul coal will be in an "inadequate" condition to do the job safely and efficiently by 1980. The ARC feels that only a miracle—a miracle in

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the form of $4 billion to $5 billion in *immediate* highway reconstruction—can put the Appalachian roadways in condition to carry the necessary coal to market two years from now.

The commission is realistically gloomy. No significant change, except for the worse, is in sight. Today about 10,000 miles of roads in Appalachia carry ten or more trucks a day which, says the ARC, "is a level that within a few weeks can lead to serious damage on secondary or local roads (designed for low-axle loads), the predominant types in the Appalachian coal haul road network." By 1980, it says, probably 14,000 miles of roads in the region will be trying to support more trucks than they can stand.

The kind of lawlessness that is destroying the coal-state highways was recently brought to the attention of Washington (not that Washington paid much attention) by Congressman Gibbons, chairman of the Ways and Means Committee's Subcommittee on Oversight. In the course of pulling the Highway Trust Fund apart in a series of hearings to see how it should be put back together, Gibbons turned his investigation to Tennessee. There he uncovered a classic illustration of how state politicians have teamed up with coal/truck industries to let the highways be destroyed.

In 1963 Gov. Frank Clement of Tennessee, meeting secretly with members of the coal and trucking industries, agreed that federal and state weight laws would be ignored for trucks carrying "natural resources"—coal, rock, dirt, gravel, etc. Obviously, the big assist was for the coal operators.

Tennessee's maximum gross weight limit for trucks was 73,280 pounds, with a single axle limit of 18,000 pounds and a tandem axle limit of 32,000 pounds—the same maximum then in force on the federal interstate highway system. Governor Clement established the policy, which has been followed by all his successors, of retaining for "natural resources" trucks the gross weight maximum as a *pro forma* restraint (though unenforced) while discarding the axle weight maximums altogether.

No more damaging action could have been taken. Exceeding the gross weight can damage highways, but the real villain is *overweight per axle.* If a truck were loaded with a million pounds it could, theoretically, move without damage to the roadway *as long as the million pounds were spread over enough axles.* The federal interstate system, the sturdiest roadbed we've got, was engineered to serve loads no heavier than 18,000 pounds per single axle and 32,000 pounds per tandem axles. Highway engineers say that even an additional 2,000 pounds, if permitted on a regular basis, will shorten the federal system's life by 25 to 40 percent. And if that is the effect of axle overloads on the superbly designed Interstate, the effect on the less well-designed federal and state highways would be brutal indeed. This was the brutality that Tennessee's top politicians agreed to accept. If the coal operators could somehow load 100,000 pounds onto a two-axle truck, with the 50,000 pounds-per-axle load being quite sufficient to dig ruts halfway to China, they would pay no attention.

Having come to that secret understanding with the politicians, the truck operators of Tennessee went wild. The highways and roads began visibly to sag under the bigger loads. Potholes, cracks, crevices, pavement failures appeared everywhere. The press began to take notice. And one of the things it noticed was that, ironically, federal industries—the Tennessee Valley Authority and the Atomic Energy Commission—were the biggest patrons of the lawbreakers. On one visit to TVA's Kingston plant in 1974, for example, the Knoxville *News-Sentinel* found that 55 percent of the coal trucks were weighing in above the legal gross limit. On some days, 98 percent of the trucks were overweight.

The *News-Sentinel* had been reporting on this outlawry for two years, but neither federal nor state inspectors had paid any attention. The Knoxville paper had also exposed, more than once, the secret deal between the truckers and the politicians, but again nobody had paid much attention. In 1975, however, the University of Tennessee Transportation Center brought out its "Economic Impact of Truck Traffic on Tennessee's Highways," which documented the disastrous effect of the "natural resources policy." With that semi-official acknowledgment that political-industrial collusion had been going on for twelve years, things began to happen. For one, John Philip Williams, a staff attorney for the East Tennessee Research Corporation, a public-interest group based in Jacksboro, Tenn., right in the heart of the Tennessee coal fields, threatened to sue the state. He made the threat on behalf of an organization called Save Our Cumberland Mountains (SOCM), which since 1971 has been trying to stop the coal trucks from destroying the roads.

The recipient of the threat was Jayne Ann Woods, Tennessee's Commissioner of Revenue. Her first response was to suggest that, if the state tried to enforce its own weight limits, the truckers might run amok and do physical violence to her department's inspectors. When that

Don Hesse, St. Louis Globe-Democrat

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prospect didn't seem to bother Williams and SOCM, she took a mock get-tough position, promising to abandon the "natural resources policy" as of January 1, 1976. But when the time came, she and other state officials went instead before the Tennessee legislature and got that august pro-industry body to turn the secret policy into the official policy. Thereafter, trucks carrying "natural resources" were statutorily exempt from the per-axle weight limit. The law is supposed to expire next June 30, but it probably won't.

Meanwhile, truckers caught carrying more than the gross limit are rarely fined in Tennessee—one judge told reporters: "If they get too hard on the truckers with this overweight thing, I'll dismiss them all. I'm going to protect my people." The rare fine that is imposed is trivial. As Commissioner Woods conceded in her testimony before Gibbons's subcommittee, "The fine, it is a misdemeanor, $25 to $50, so you can see readily that it is very profitable to haul overweight."

Just how profitable can be seen by returning to TVA's Kingston plant where, in late 1977, the *News-Sentinel*'s reporters were again watching the 300 to 500 trucks roll in each day; many weighed more than the 100,000-pound scales would register—in other words, at least 33 percent heavier than the law allows.

The same kind of coal-hauling anarchy prevails in other states, Kentucky being notorious in this regard. Last year the Louisville *Courier-Journal* found that the state had once again surrendered in the battle with overweight coal trucks. The evidence for the surrender was written in court records: in eastern Kentucky during the first five and a half months of the year, 1,086 trucks were cited for breaking the law but only twelve truck operators—slightly more than 1 percent—were convicted.

In January 1975 Julian Carroll took office as Governor promising "to end the question of overweight trucks in Kentucky and enforce the law of this state" by "whatever legal means are available." But by the end of the year, Carroll's total capitulation to the big truck operators became evident when his Transportation Secretary, John C. Roberts, announced that the state had decided not to prosecute a $3 million road-damage suit against 504 coal operators and truckers in Pike County. Instead of forcing at least partial repayment from the people who had done the damage, Kentucky's officials asked Washington to shell out $1.4 billion to rebuild their coal-haul roads. Why did they decide to let the outlaws get away? Roberts's excuse: "We have to weigh the road damage against the operation of a very vital industry, and what that industry means to a large section of our state."

That's the usual ploy: playing off jobs and profits against enforcement of the highway laws. "If you want a job, you've got to let the coal truckers ruin your roads." Officials sing that tune shamelessly in West Virginia and Pennsylvania, too. West Virginia's roads are in such horrible condition that, according to Ned Chilton, publisher of the Charleston *Gazette*, they "defy cure. Authoritative estimates are that $17 billion is required to bring the network of primary and secondary roads into first-class condition, an impossible total." That's *17 billion*. There's no way that local, state and federal treasuries can combine to supply more than a small fraction of that.

And yet, West Virginia officials talk as though the only alternative—cracking down on the destructive trucks—is out of the question. Says Charles Miller, the state's highway commissioner, "Industry and commerce must go on." The translation of that remark can be found in a study, cited by the Appalachian Regional Council, which showed that in the areas surveyed four-axle trucks in West Virginia were overweight 75 percent of the time and five-axle tractor-trailer trucks 58 percent of the time. Gov. Jay Rockefeller, like his predecessors, raises no hand to stop the destruction. Punishment is rarely administered. One study, based on incomplete state data (all state transportation data are woefully incomplete), indicates that overweight trucks pay, on a pro rata basis, eighty-seven cents (87¢) for each citation, which is hardly enough to slow what Commissioner Miller would call the march of industry and commerce.

Now an ugly word about the federal role in all this. State politicians may be abjectly subservient to the energy, trucking and highway lobbies, but so are federal politicians and bureaucrats. The road systems of Appalachia—and elsewhere—would not be in serious disrepair if federal officials had set an example for state officials by demanding that federal truck weight laws be enforced.

Federal law (Sections 127 and 141 of Title 23 of the United States Code) requires each state to enforce the federal gross and axle weights on the sections of the Interstate Highway within its boundaries, and that it must enforce state weight laws on all the rest of the federal-aid system (the Interstate makes up less than 5 percent of the total federal-aid system). The law also instructs each state to certify annually to the Department of Transportation that it is doing all within its power to uphold the weight and speed laws. States that fail to do those things can, theoretically, lose some of their federal highway funds.

That's a pretty big and useful stick to hold over their heads. And the federal-aid roads are so intermingled with state and locals roads that, if the states were forced to flag down the trucks that abuse the former, the protection would of course extend to the latter. But as matters stand the states treat the federal law as a joke. As a matter of custom, they annually perjure themselves to get the federal handout. They swear they are doing their best to uphold the weight and speed laws, but in fact the skimpy records they send to the Department of Transportation prove that they are lying. Some states, Pennsylvania for one, don't even own a fixed scale for weighing trucks, so there is no possible way they could enforce the law. Pennsylvania's highways are so badly torn up that even the truckers can't bear to drive them—in March, hundreds of truckers staged a ten-hour slowdown on a 60-mile stretch of Interstate 70 to protest the potholes—and yet Pennsylvania officials do virtually nothing to stop the devastation. In 1976 (the last year Pennsylvania sent in the data) state weight-enforcement

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officials cited only 610 trucks for excessive weight. The absurdity of that record can be seen by comparing it to the 40,332 overweight citations in 1976 in Texas, a state that makes at least a modest attempt to protect its highways.

The DoT files are full of such jokes. Rhode Island claimed that in a whole year it could catch only fifty overweight trucks. New Jersey—with some of the most heavily traveled truck routes in the nation—cited only 4,217 overweight vehicles in a year, which is probably less than the actual number of such trucks on the New Jersey highways in any given hour.

This kind of lawlessness has become so rampant—and the collusion between federal officials, state politicians and the truck lobby has become so notorious—that in recent months the administration has been embarrassed by a flurry of bad publicity. As a result, in February, for the first time in the twenty-two-year history of the Federal Highway Trust Fund, fourteen states were warned that they just might lose some of their federal money if they didn't start weighing trucks, and another eleven states were warned that their weight enforcement was considered "marginal." (Every coal-producing state was on one list or the other.)

The official who issued the warning, William M. Cox, head of the Federal Highway Administration (FHWA), did it with such poor grace that it is unlikely the admonished states were seriously frightened. Later he reportedly called a meeting of bureaucrats and lobbyists to complain that never had "our industry" been subjected to such unfair publicity. Cox is the former vice president of a large tractor-trailer company operating out of Madisonville, Ky. He was especially angry at the Professional Drivers Council (PROD), an organization of maverick Teamsters set up to fight for honesty in the union and safety on the highway. PROD has managed to get the press interested in transportation officials' coziness with the trucking industry, and Cox apparently feels personally offended. (Some think Cox has used the FHWA post mainly to make powerful political friends. He will return to Kentucky in May to run for Lieutenant Governor.)

But even if Cox had tried to sound as though he meant business the state politicians would probably have paid little heed; they know that the trend in Washington is not to cut back on highway handouts but to increase their size and variety. They can see that from the assaults on the Highway Trust Fund.

When the fund was set up in 1956, Congressmen who were in league with the highway lobby solemnly promised that, although the federal portion was highly generous—namely, 90 percent of the Interstate's costs—it would be a one-time burden. Once the Interstate was built, they said, the states would bear the cost of maintaining it.

But the states did not provide the money necessary to keep the Interstate in proper repair, and it is deteriorating 50 percent faster than was expected, largely because of the intense truck traffic to which it has been subjected. Its anticipated life span was cut sharply in 1974 when Congress, under pressure from the highway and trucking lobbies, increased the permissible truck weights—both gross and per axle—by 10 percent above the maximums for which the Interstate was designed. The increase went through despite warnings from such experts as the Illinois Department of Transportation that raising the maximum only 5 percent could result in each fully loaded truck causing highway damage equal to that of 10,000 passenger cars. The National Society of Professional Engineers (NSPE) predicted that the increase would cut pavement life on the Interstate by 25 to 40 percent, and that when the giant trucks left the Interstate, as they inevitably must, they would do even greater damage to "state and local off-Interstate highways, roads, bridges, and other facilities [which] are not constituted to accommodate vehicles bigger than those currently permissible. . . ." In short, it warned that the effect on the Interstate system would be extremely costly and that off the Interstate the cost would be out of sight.

Writing on March 1 to Al Ullman, chairman of the House Ways and Means Committee, the NSPE again warned that "highways will continue to deteriorate at an alarming rate until large trucks are prohibited or highways are designed and built to accommodate larger loads." That is obvious—and it is also music to the highway builders. The more trucks out there pounding our roads to death, the more money will go into redesigning and rebuilding them.

And if the states, counties and municipalities can't keep up with the cost, the road builders know from experience that the Highway Trust Fund will surely fly to the rescue. When the states came whimpering to Washington in 1976, claiming that they could not, after all, pay for the upkeep of the Interstate, Congress quickly caved in. No longer would the fund be used strictly for building the system; henceforth it would also pay for what is called "3-R work"—resurfacing, restoring or rehabilitating. The Federal Highway Administration says that more than 8,000 miles of Interstate—about one-fifth of the 38,000 miles open to traffic—needs 3-R work and that just to clear out the backlog will cost $2.6 billion. It estimates that over the next fifteen years or so, the system will need $19 billion (undoubtedly a low estimate) in 3-R work, measured in 1975 dollars.

To shore up the fund, the gasoline tax will be increased (many Congressmen feel that a 5¢ a gallon increase may be necessary)—falling with disproportionate weight on car owners. The FHWA admits that the trucking industry is already shortchanging the fund by at least $200 million a year, a sum made good by the auto driver.

But that is just the beginning. The highway lobby intends to make the Highway Trust Fund help support not only the maintenance of federal-aid roads but also the maintenance of a good portion of the state and local highway systems. Proof that this is what the highway lobby envisions came early this year.

On February 16, Rep. James J. Howard (D., N.J.), chairman of the House Surface Transportation Subcommittee, introduced a bill called the Emergency Highway and Transportation Repair Act of 1978. It was cosponsored by Reps. Harold T. Johnson of California, chairman of the House Public Works Committee; William

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H. Harsha of Ohio, the Public Works Committee's ranking Republican, and E.G. Shuster of Pennsylvania, ranking Republican on the House Surface Transportation Subcommittee and chairman of the National Transportation Policy Study Commission which, needless to say, is virtually an arm of the highway lobby.

Two days later the bill was passed by Howard's subcommittee in twenty-seven minutes. Then Howard stepped down from the chair, Johnson took his place, and the full committee passed the bill in two minutes. The weekend interrupted the tempo of this mini-juggernaut, but on the next Tuesday the bill was moved swiftly to the House for a vote. The speed was made possible by Speaker Tip O'Neill, an old friend of the highway lobby, who arranged for a suspension of the rules, thus permitting the bill to detour the Rules Committee's strictures.

Just what was this bill that deserved such impressive attention by the big shots of the House? It authorizes the expenditure of $250 million to patch up some of the potholes created by the winter of 1977-78. Howard informed his colleagues that the winter had created 116 million potholes, the average pothole being 16 inches across and 5 inches deep, and if you put them all together "you'd get a hole a quarter-mile wide and 50 feet deep." Where did he get this jazzy information? He said he got it from "The Road Information Program," which is a contractor-supported spinoff of the American Road Builders and Transportation Association.

The bill was a mouth-watering barrel of pork. Every state was slated to get something, none less than $1.25 million and none more than $17.5 million. When Howard was asked why Hawaii, which isn't likely to have sustained severe frost damage to its roads, would get money, he replied in a very practical fashion, "Because Hawaii has two Senators."

The House passed the bill 234 to 137; at this writing the Senate has yet to act. Even though it will be processed by the extremely friendly Public Works Committee, whose chairman, Sen. Jennings Randolph of West Virginia, is a former officer of the American Road Builders Association, it may die in the Senate—not because a majority of that lofty body has any reservations about highway boondoggles but because this bill's history to date is characterized by such seedy strong-arm tactics as to give its supporters too much of the wrong kind of attention.

The dangerous significance of the bill, however, is not the boondoggling—which is standard—but that the money would come from the Highway Trust Fund, which never before has been used to repair state and local roads, and that the money would be spent without any accounting to the federal government. This would set an ominous precedent. Never, never has the Trust Fund been tapped for carte blanche use by the sub-federal governments. The 3-R program for the Interstate undermined the original structure of the fund, but a bill like this would destroy its integrity altogether, turning it into nothing but a slush fund to be used by local politicians to pay off their road-building cronies.

Whatever the fate of this bill, the ease with which it passed the House and the exultation with which the road contractors celebrated the victory indicate that this is the plan of the future: not to build new roads—for after the last 10 percent of the Interstate is completed there will be precious little excuse for a major encore—but to tear down and reconstruct the old ones. Enforcing the weight laws and coddling the roads in other ways, so that simple maintenance can keep them open, will be considered bad form: after all, engineers say that it costs only $5,000 to $6,000 a year to maintain each mile of primary roadway that is protected from overloads, but it costs $750,000 to $850,000 per mile to reconstruct it. Obviously, the heroes of the highway lobby's future will be those states and industries that tear up the highways fastest and most thoroughly. That is why the coal states and the truckers are prized so highly. □

PIPELINE TO PINOCHET

LAW OR NO LAW, THE ARMS FLOW

CYNTHIA ARNSON and MICHAEL KLARE

A year and a half after Congress passed a comprehensive embargo on military sales to Chile, General Pinochet's armed forces are still receiving U.S. arms, ammunition and military equipment. Recent deliveries of U.S. goods have included aircraft engines, transport planes, naval search radars and high-explosive artillery shells. These items are reaching the junta with the foreknowledge, consent and cooperation of U.S. officials responsible for enforcing the Congressional ban. In certain "gray areas," where the law does not specifically exclude U.S. exports, government and industry officials have gone out of their way to facilitate the delivery of military hardware to the Chilean forces, including the police. Despite all that has been said about promoting human rights abroad, the Carter administration has failed to insist that there be no more shipments of military goods to one of the hemisphere's most brutal dictatorships.

When Congress voted an extended ban on arms deliveries to Chile in 1976, following reports of the widespread arrest, torture and disappearance of opponents of the Pinochet regime, it minced no words. Section 406 of the Arms Export Control Act of 1976 stipulates that:

(*1*) No military or security supporting assistance and

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no military education and training may be furnished under the Foreign Assistance Act of 1961 for Chile; and no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile. No delivery of any such assistance, credits, or guaranties may be made to Chile on or after the date of enactment of this section.

(2) No sales (including cash sales) may be made and no export license issued under the Arms Export Control Act with respect to Chile on or after the date of enactment of this section.

This provision would seem to suggest that after June 30, 1976—the date when Section 406 became law—Chile was ineligible for *any* form of U.S. military aid and sales. In practice, however, Chile has received more than $57 million worth of U.S. arms in 1977, and will probably receive a comparable amount in 1978. Congress did not plug the "pipeline."

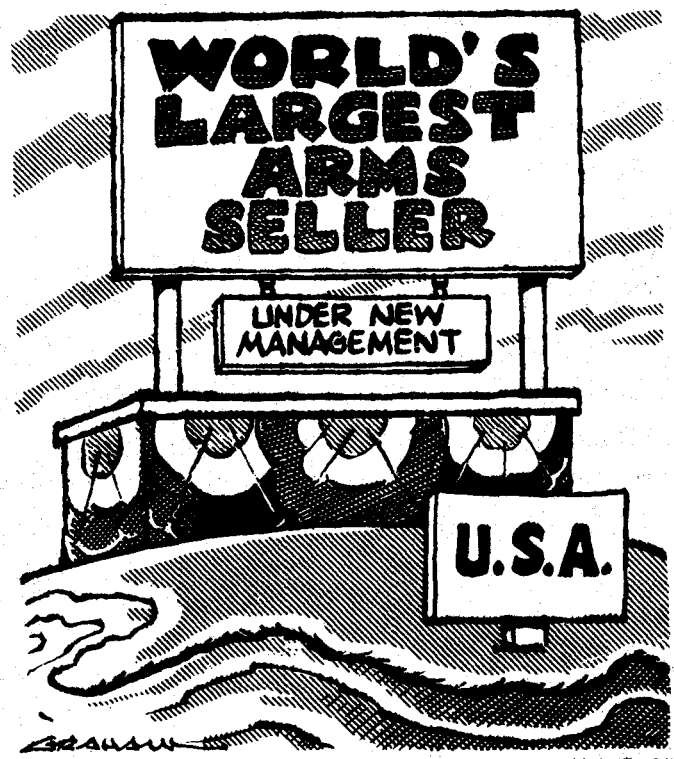
In September 1977, nine months after President Carter took office and fifteen months after the passage of Section 406, the Department of Defense awarded a contract to the Chamberlain Manufacturing Company of Elmhurst, Ill. for production of metal parts for artillery cartridges. The cartridges are to be filled with high explosive plastic, and will be used in the 106 mm. recoilless rifles that Chile ordered in 1974. Guns of this sort, according to the authoritative *Jane's Infantry Weapons*, can be used "for both anti-tank and anti-personnel roles."

Asked to explain this apparently illegal sale, Pentagon officials replied as follows: In 1974, when it purchased $35.8 million worth of recoilless rifles, Chile placed an order of $47.5 million for ammunition. Because of bureaucratic delays, however, the Pentagon did not invite bids from contractors until two years later, in late 1976; and not until September 1977 was an actual contract awarded.

Since the original agreement was signed in 1974, long before Congress passed a comprehensive ban on Chilean arms purchases, the 1977 contract with Chamberlain did not violate the law. True, the three-year delay did seem excessive, but hardly unusual in a business where long "lead times" between order and delivery are common. The particular ammunition involved, we were told, is composed of six or seven parts, each of which must be contracted for separately. Months of negotiations over prices and specifications took place between the Pentagon, the State Department, private companies and the Chilean Embassy.

The Chamberlain order, we discovered, represents but a tiny fraction of the backlog of "pipeline" items that are still being delivered to Chile. Any weapon or other product ordered and paid for by Chile before June 30, 1976, is considered to be "on the way," and thus exempt from the ban. According to Defense Department documents, that backlog once stood at $120 million, and included such items as A-37 and F-5 aircraft, rifles, explosives, police gear and spare parts.

The original Senate version of Section 406 included a ban on the delivery of all such pipeline items to Chile. However, the House put no such provision in its bill,



Arkansas Gazette (Little Rock)

and the pipeline cutoff did not survive the House-Senate conference. Nonetheless, all arms agreements between the United States and other nations stipulate that Washington can cancel any deal when it is in the "national interest" to do so. Pipeline items to Ethiopia, for example, have been cut off for this reason, but the Carter administration has refused to take such action in the case of Chile.

Indeed, the Pentagon has just asked Congress to approve funds for the deployment of a six-man "Defense Field Office" in Santiago, ostensibly to facilitate the delivery of outstanding pipeline equipment. Although these officers are forbidden by statute from providing anything but technical advice, their presence in Chile has obvious political implications. In the words of one high-ranking Pentagon official, "We want the Chileans to realize that they are our friends and allies; we want to preclude a Peruvian-type situation where they start buying arms from the Russians." Apparently, the administration places greater emphasis on maintaining close relations with the Chilean military than it does on carrying out any of its promises to dissociate the United States from countries that are guilty of trampling on human rights.

Although the flow of pipeline items will presumably end when all pre-1976 orders have been filled, no such cutoff is in sight for another arms conduit to Chile—the sale of "gray-area" equipment via the Commerce Department. "Gray-area" items are products that have a civilian as well as military use, but are not considered front-line munitions. Examples are military transport planes, air-traffic-control equipment, sporting guns and some police gear. Although such hardware can play an important role in military and police operations—particularly in an underdeveloped country like Chile—they are

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not on the U.S. Munitions List and are thus licensed by the Commerce, not the State Department. Because Section 406 of the Arms Export Control Act refers only to sales of items on the Munitions Control List, Chile is eligible to receive a wide range of equipment wanted by its military through normal commercial channels.

It is difficult to collect information on gray-area sales, largely because the Commerce Department refuses to divulge "proprietary" information on private sales abroad. Research suggests, however, that the Chilean military is receiving substantial quantities of U.S. hardware through such channels.

In 1976, for instance, the Carabineros, Chile's paramilitary police force, received four "Metro-II" transport planes from Swearingen Aviation Corporation of San Antonio, Texas. According to *Jane's All the World's Aircraft,* the Metro is an all-weather, pressurized airliner powered by two Garrett-AiResearch TPE-331 turboprop engines. It can carry up to twenty passengers, or an equivalent amount of cargo. Since turboprop aircraft of this type are not on the Munitions Control List, they do not fall under the 1976 embargo, even though they could be used to transport troops.

The junta has received other U.S. aircraft through commercial channels. According to DMS Incorporated, a private marketing service, the Chilean Air Force got two Beech Model-90 King Air executive-type transports in 1976. Powered by two Pratt and Whitney of Canada turboprop engines, the King Air can carry eight to fifteen passengers.

In some cases, "commercial" hardware is reaching the Chilean military through other countries which use American components in domestically produced military systems. Brazil has sold ten T-25 "Universal" trainer aircraft to the Chilean Air Force; eight more are on order. Built in Sao Paulo by the Sociedade Construtora Aeronautica Neiva Ltd., the "Universal" is powered by a U.S. Avco-Lycoming IO-540 piston engine. Under U.S. law, such "third-country" sales of military equipment that incorporate American components are subject to the same constraints that apply to direct U.S. military exports; since, however, piston engines like the IO-540 are not on the Munitions List, no action was taken to halt the T-25 sale to Chile.

The decision as to whether a given piece of equipment is civilian or military is made jointly by the State Department and the Pentagon, under a procedure known as Commodity Jurisdiction. In certain instances involving "third-country transfer" of U.S. equipment to Chile, government officials have actively advised private companies on how to get an item off the Munitions Control List. By using extremely narrow criteria when assigning military designations to certain equipment, the Carter administration has actually facilitated the delivery of gray-area items to Santiago.

In 1976, for example, the Cutler-Hammer Company of Deer Park, Long Island, asked permission of the State Department's Office of Munitions Control (OMC) to sell six AN/APS-128 Sea Patrol Airborne Search Radar to a Brazilian firm, for installation on aircraft destined for Chile. The AN/APS-128 is an advanced search radar capable, according to *Jane's All the World's Aircraft,* "of detecting a fishing trawler at more than 50 nautical miles distance in rough seas." According to government documents, the radar was to be installed in EMB-111M "Bandeirante" patrol planes being produced by Embraer (Empresa Brasileira de Aeronautica) for the Chilean Navy. The planes are to be used, according to *Jane's,* for "sonar searches, shipping surveillance, anti-smuggling patrol, and transport of cargo and personnel."

Since the AN/APS-128 was self-evidently a military item (the "AN" prefix is a standard Pentagon designation for military electronics), the State Department ruled that its delivery to Embraer for Chile-bound aircraft was not permissible. Rather than allow this decision to stand, however, the OMC began to consult with the Department of Defense and Cutler-Hammer on how the radar could be "demilitarized" in order to escape the ban. After some tinkering with the AN/APS-128's cicuits, Cutler-Hammer came up with a "new" radar that no longer qualified as a "military" item.

Based on the Pentagon's determination, the State Department ruled in early 1977 that the new radar (still called the AN/APS-128 in Embraer literature) was not a Munitions List item. "Subsequently," the State Department reported in a letter to Rep. Tom Harkin, "the manufacturer made application with the Department of Commerce to export the radar under the provision of the Export Administration Act of 1969. In April 1977, a license was issued *with our concurrence* in support of an essentially commercial transaction."

U.S. officials knew from the beginning that the ultimate user of the Cutler-Hammer radars shipped to Brazil would be the Chilean Navy. They also knew what was forbidden in the Arms Control Act regarding Chile, and what technical manipulations needed to be made in the radar to make the sale comply with the precise letter of the law. Rather than halting the radar sale, the government *volunteered* to help Cutler-Hammer circumvent what Congress surely intended as a complete and unconditional ban on arms deliveries to Chile.

Such a predisposition in Chile's favor is also evident in the sale of computers. In April 1975 the Commerce Department issued a license for the sale of an IBM Model-370/145 computer to the University of Chile in Santiago, which was then, as now, under direct military control. Many refugees have charged that the DINA—Chile's notorious secret police—uses the university's computer center to process data on political suspects, and even to select victims for torture and assassination.

But even if there existed an official will to curb certain exports to Chile, there is little, if any, indication that such a policy would take hold with private U.S. companies. Referring to the Chile cutoff, one international representative of an aircraft firm stated, ". . . we're competing in a worldwide market—we're all fighting for the same piece of business—and we're being hamstrung by our own government, which is absolutely destroying our capacity to sell. We're losing South America at a furious rate." Another international marketing representative commented, ". . . it doesn't make

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any difference to us who we're selling to; we don't get involved in political decisions."

This attitude, coupled with the lack of resolve on the part of government officials to implement what Congress intended to be an absolute ban on military sales to Chile, suggests a continued flow of military goods to the repressive Pinochet regime. If the Carter administration's human rights policy is to be taken seriously, there must be not only stricter enforcement of existing sanctions against Chile but further Congressional action to close all loopholes allowing the delivery of "gray-area" items to the Chilean military. □

WOMEN v. THE CITY OF DENVER

'New Frontier' for Equal Rights

SYLVIA KRONSTADT

Denver, Colo.

The most complex and potentially revolutionary argument ever made in a sex discrimination suit is being presented here in *Lemons et al.* v. *The City and County of Denver* which, after four years of preparation, went to trial in Federal District Court on April 17. Already the case is being likened by rights activists to the landmark *Brown* v. *Board of Education* decision that in 1954 ordered integration of the nation's public schools. If plaintiffs prevail, the ruling could cost Denver at least $5 million and possibly as much as $800 million; it may require sweeping changes in the way men and women are compensated for their labor throughout the nation's whole economy.

In the *Lemons* suit, seven nurses employed by the city (they range in rank from entry level to the Director of Nursing Services) are challenging the Career Service Authority's way of establishing pay relationships among employees. Known as the key class system, it is, with minor variations, standard throughout much of industry and government. In brief, the system groups "like" positions under "key" or "benchmark" jobs. A survey is made of prevailing rates for each key job, and then a wage for each job in that group is set on the basis of its relation to the key.

According to the plaintiffs' lawyer, Craig S. Barnes, this system, superficially objective, has resulted in massive disadvantage to women because of its definitions of what positions are "like." Because of traditional sex stereotypes, Barnes says, females in Denver's civil service system—and throughout the American economy—are lumped into key classes where their work is compared to that of other women, instead of to men whose jobs require equivalent skill, effort and responsibility. In Denver's system, for example, nurses are related for pay purposes to female "aides" who have no educational requirements, and the nurse class is paid at a lesser rate than the classes of tree trimmer, tire serviceman and traffic-signal mechanic trainee—each of which is entirely male.

"Of twenty-seven key-class groups in Denver's system," according to Barnes, "the incumbents of twenty-one are at least 75 percent one sex. Of seventy-four administrative classes, sixty-five are 100 percent male and 6 are 100 percent female, and the same general ratios hold true in both professional and technical classes. This sex-segregated salary administration deprives women of the uplifting effect of comparison to men's wages. Instead of grouping a nursing administrator, for example, with professionals of equivalent responsibility, the city groups her into an 86 percent female key class, along with laundry managers and cook supervisors. This subjective process results in an average starting salary for female classes that is $200 less per month than for males."

The argument at the base of the *Lemons* suit, exposing the discrimination implicit in occupational segregation, promises a dramatic step forward in the now very active area of employment law; it attacks the vast inequities of the present structure in a way that prior legal challenges have almost entirely overlooked. Despite the well-publicized legislation and litigation of the past several years, the status of women—who now comprise 40 percent of the labor force—has actually declined. The median annual income for women employed full time year-round dropped from 63 percent of men's earnings in 1956 to 57 percent in 1973, according to the Department of Labor, and in the last four years women's earnings relative to men's have dropped 10 percent. Census and Commerce Department reports show that a female college graduate typically earns a salary equivalent to a man who never got beyond junior high school, and that even where the same work and qualifications are compared, women in such occupational categories as clerical, managerial and administrative, sales, operative and service are paid only 38 to 60 percent of what men doing those jobs receive.

The Equal Pay Act of 1963—amended in 1972 to include executive, administrative and professional employees—forbids pay differences between men and women who do jobs involving equal skill, effort and responsibility in like working conditions. Under the provisions of the Act, tens of millions of dollars have been awarded to hundreds of thousands of women by the Department of Labor's Wage and Hour Division, but the volume of complaints and awards continues undiminished. Hundreds of cases involving aides and orderlies, secretaries

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and male "administrative assistants," janitors and maids, barbers and beauticians, male and female teachers, factory workers and bank tellers are pending, according to Edie Barnett, an attorney with the department. One of the largest is a lawsuit against J.C. Penney on behalf of 300 women in its Cleveland store. Among other things, the complaint alleges that female sales clerks, who are called "customer assistants," are paid substantially less than males, who are called "selling specialists."

Title VII of the Civil Rights Act of 1964 has been the other major weapon in the area of employment justice. It bars discrimination based on race, religion, national origin or sex, with reference to hiring, discharge and compensation and to terms, conditions and privileges of employment, and is enforced by the Equal Employment Opportunity Commission, which has thirty-two district offices, 2,400 employees and an active inventory of 130,000 cases. Complaints of discrimination in hiring predominated during the first several years of the Act's enforcement, according to an EEOC spokeswoman, but women's charges are increasingly focusing on promotion and benefits such as maternity leave and retirement plans.

And yet for all this well-intentioned legislation, there has been no improvement in the general status of women. The key to this failure is the focus on discrimination between men and women doing "substantially equal" work, whereas the most striking, yet little-noted, characteristic of the American marketplace is that men and women do *different* work and that women's work has traditionally received less compensation, even when it was of equal or greater value. A study the University of Wisconsin made in 1975 of the Department of Labor's *Dictionary of Occupational Titles* dramatizes this situation. The dictionary is the world's most comprehensive and widely used compensation reference; it rates the level of complexity of 30,000 job titles. The Wisconsin study documented incredible undervaluation of women's work. For example, health and child-care professionals (including nurses) are rated on a level with parking-lot and dog-pound attendants and mud-mixer helpers.

Segregation of work by sex is much more pronounced today than segregation by race has been since slavery, and despite cosmetic breakthroughs, women are still concentrated in traditionally female jobs as they were in 1900. More than a third of all working women are in clerical jobs; 20 percent are service workers, 15 percent are professional and technical workers (chiefly in health and education) and nearly 15 percent are operatives, mainly in factories. When it broke these broad categories down into fifty-seven occupations, the Department of Labor discovered that women account for 90 percent of the employees in seventeen of the occupations, and in more than half of the occupations women comprised more than 75 percent of the employees. Between one-third and one-half of the women who work are in occupations that are more than 80 percent female.

Clearly, occupational segregation is a reflection and a persistent vestige of historical sex stereotyping and role differentiation. An array of rationales have been offered for the practice since its ancient beginnings—often purporting to exalt, protect and fulfill the nature of women—but its effect has always seemed to include rewards for women insufficient for the nature and amount of their labor. Legal, cultural, economic and historical forces have perpetuated both the segregation and the pay discrimination. Until recently, sex-typed Help Wanted ads were the norm, forty-six states had laws governing the number of hours women could work, and in twenty-six states "protective legislation" limited hiring for certain job categories to one sex.

The twin problems of occupational segregation and discriminatory pay differentials, raised dramatically in the *Lemons* suit, will become "the new frontier" for the Equal Employment Opportunity Commission, according to Chairwoman Eleanor Holmes Norton. A handful of earlier suits have touched on the issues, but with no success. *International Union of Electrical Workers (IUE)* v. *Westinghouse*, for example, challenged a historically segregated job structure in which wage rates for "female" classifications are—by stated company policy—maintained at lower levels than those for men, even where skill, effort and responsibility are equivalent. According to Winn Newman, general counsel for IUE, female assemblers at the Westinghouse plant are paid less than the lowest-level janitors.

In November 1977, the U.S. District Court for the Northern District of West Virginia refused to hear the case, holding that a technical amendment to Title VII (known as the Bennett Amendment) precludes a wage-discrimination suit based on sex that could not be maintained under the Equal Pay Act, which defines "equal work" narrowly. This controversial interpretation has alarmed civil rights lawyers who are convinced that the legislative history of Title VII shows an evident intent to attack subtle as well as blatant forms of discrimination.

Christensen v. *Iowa* was another attempt to attack pay discrimination that is rooted in the sexual segregation of work. Plaintiffs contended that the University of Northern Iowa discriminates against female clerical employees by generally paying women less than men for work that, although different in nature, is of comparable value. The District Court—invoking the Bennett Amendment—held that "clerical versus physical plant positions are vastly different in terms of actual job content," making comparisons in pay invalid. In September 1977, the U.S. Court of Appeals affirmed the lower court's dismissal of charges against the university, stating that "appellant failed to demonstrate that the differential in wages rested on sex and not on some other legitimate reason." Clearly, intent, not effect, was the court's criterion in this case.

Judging from recent court decisions and the continuing bleak statistics on the status of women, it is apparent that this area of the law is still in a precarious infancy—precarious according to EEOC's Norton because the courts have consistently avoided handing down decisions that mandate substantial, enduring economic change. The *Lemons* suit makes unavoidable the core question of how to distinguish fairly between the "worth" of various kinds of human labor, a determination that for too long has been made—without regard to equity—by prejudice, power, and supply and demand. □

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Brooklyn Supports Its Congressman

FRED POWLEDGE

We citizens of one large chunk of Brooklyn are in the position—rare for us—of having a good man representing us in Congress, and we aren't about to be stampeded into hurling bricks at him. We here in New York's 14th Congressional District have mixed feelings about politics. It's probably fair to say that the median human being in this Brooklyn salad of ethnic neighborhoods—which stretches from what once was Ebbets Field to the Brooklyn Bridge, from the stinking Gowanus Canal to the equally foul Newtown Creek—enjoys a far greater degree of political cynicism than does the American at large. Brooklyn has a long and rich history of being simultaneously ignored and ripped off by the politicians, the media, the power brokers, the bankers and the realtors, and few among the district's 450,000-odd citizens give more than passing heed to anything that issues from the mouth of an elected or appointed official. Like some hockey fans, we watch the sport largely for the joy of seeing someone get hurt.

So it was with mixed feelings that some of us voted for Fred Richmond when he ran for Congress in 1974. The man who had held the seat for the previous thirty years, John Rooney, had been a dirty campaigner, an arrogant Representative who seldom made it to work, and a lapdog of J. Edgar Hoover and other special-interest groups. Richmond, a wealthy industrialist, had tried in 1968 to run against Rooney, had been steamrollered, and next appeared on the scene as Rooney's campaign manager. As it became more and more obvious that Richmond wanted Rooney's throne when the old man gave it up (there would be no way to get it before then, Brooklyn politics being uncomfortable with the notion of free elections), Richmond saturated the district with money from a foundation that bore his name. He also wore a hairpiece that invited jokes, and some questioned whether he actually lived in the district. (There was frequent mention of a nontemporary *pied-à-terre* on Sutton Place over in what some Brooklynites refer to as "New York.")

Richmond's *official* residence is in Brooklyn Heights, which many say is the most elegant of the neighborhoods in the 14th—some of the others, which contribute to making the district one of the poorest in New York State, being Polish Greenpoint; Williamsburg, with its frequently broken truce between Puerto Ricans and Hasidic Jews; brownstone-rescuing whites and blacks of Fort Greene and Boerum Hill; the certified renaissance neighborhoods of the Heights, Cobble Hill, Carroll Gardens and part of Park Slope, where WASPs and other exotics live comfortably among first-generation Italians; the black promise of Bedford-Stuyvesant; troubled Crown Heights; the largest Arab neighborhood in the country along Atlantic Avenue, and the Brooklyn Navy Yard, whose periodic salvation has been an important act in the repertoires of generations of politicians.

Somehow, though, in one of those twists that force you to temper your cynicism, Fred Richmond has turned out to be a fine Representative. He opposes the B-1 bomber and supports the arts. His demonstration that the recent crisis in coffee prices was contrived resulted in my cutting down from twelve to two cups a day, and so I can testify that Richmond is the first politician who ever actually lowered my blood pressure. He has gone after banks that redline, of which Brooklyn has many, and he has made the FHA promise to stop its own redlining. Most of all, he has introduced the word "agriculture" into the urban vocabulary.

Ordinarily, urban Representatives consider appointment to the Agriculture Committee an insult, but Richmond actually sought the job. He made us in the 14th—and a lot of others as well—aware that urban people have just as great a stake in agriculture as do Nebraska farmers. We do, after all, consume prodigious amounts of it. Richmond, in a way unprecedented in Congress, has been drawing the connecting lines between farm bills and food stamps, between grain elevators and school-lunch programs. At the same time, he has sponsored a series of Big Apple Farm and Food Conferences, at which Brooklyn people take part in everything from discussions of how to beat the city bureaucracy out of vacant lots that would make great vegetable gardens to demonstrations of basement catfish farming under lights. And he used his own money to buy vegetable seeds, which he gave away by the thousands to his constituents. John Rooney never gave us anything. Four years after we elected him, we had gotten used to Fred Richmond, had started taking his sort of representation for granted. Although he has an independent streak, and therefore is less useful than a total hack to the Democratic bosses up on Court Street, Richmond has established pretty good ties with the machine while refusing to insult the reformers. There has been some talk about his running for the Senate in 1980. And then the other day the *New York Post* had Richmond's picture on the front page, next to the headline, "Sex Rap Congressman Asks for Pity."

The basic facts are not in dispute: Richmond offered money to a young man to engage in sexual acts, and later also solicited an undercover policeman. (The specific details have not been announced. Richmond, in a public statement, has said, "I made solicitations with payment of money to a young man, beginning almost a year ago,

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and, as a result of those solicitations, last February I made further solicitations with payment of money, in my own home, to a man who unbeknownst to me was an undercover police officer. Nothing more happened." News accounts were that the youth was 16 years old and that, after his parents had complained to the police, the undercover agent accompanied him on another visit to Richmond's northwest Washington home, carrying a knapsack loaded with tape-recording equipment.)

The full might of both the U.S. Attorney's office and columnist Jack Anderson then entered the case. The attorney prepared a criminal charge of soliciting for purposes of prostitution, and Anderson prepared a column on the incident. Richmond and his staff prepared his public statement, a 350-word open letter to the Congressman's constituents in which he confirmed the charge and added, in part:

> I prayerfully ask for your compassion and understanding at this extremely difficult time for myself, my parents, my son, my staff—and you.
>
> I cannot offer any logical explanation. During various periods of personal stress I made bad judgments involving my private life. . . . I apologize from the bottom of my heart for any hurt I may have caused.
>
> I have been aware of these intense pressures for some time and, accordingly, have sought appropriate professional advice. I will continue to seek such advice. I believe that, with an unshakeable faith in God and a firm belief in the human capacity for understanding and compassion, my family and I will survive this ordeal. . . . My concern must be and is for the people I was elected to serve. It is my hope that my record of community involvement, Congressional activity and civic endeavor will be judged on its own merits. . . .

Richmond then went to D.C. Superior Court and worked out an arrangement, standard in first-offender cases, by which he will continue his therapy, avoid a jail term or fine, and eventually have the charges dismissed.

If the messages Richmond received in the first days after the revelation are any indication, the 14th Congressional District is quite willing to judge him on his public record. In the first five days there were more than 300 letters, wires and calls, and only about ten were negative. The rest were remarkable examples of compassion in a part of the world that often is thought of as cold, unfriendly and too busy to love. The theme that runs through virtually all of them is: *We don't care what you do in your private life; you've been a good Representative and that's all that matters.* Practically none of the letters, or citizens who talked about the matter on the street in my part of the district, seemed concerned about any deep moral problems involving a 16-year-old boy. Some said their first thought had been that the whole thing was a setup, or at least an entrapment, and one or two saw it as part of a media conspiracy. The Gay Activist Alliance has chastised Richmond for what it called "groveling for pity" when he should have been proclaiming, "I like gay sex and I'm proud of it."

"*Please keep your head high! ! ! !*" started one letter. "You have done no wrong. You have been a beacon like you should be." Another said, "Your honesty and integrity are what counts." And "you have supported Brooklyn. You have *truly* represented us. Now we support you. Stay in Washington where this country needs men of your ability. Keep up the good work." And "I don't care about your personal life style." And "I am much more concerned with my Representative's political honesty and ethics than I am with his private life." And "We have too few hard-working Congressmen who are effective and care for our country and community. . . . Please do not desert us."

And "We Rabbis say that there is no righteous man who has not committed some sin in his life." And a Church of God in Christ bishop said in a telegram: "DO HUMBLY ACCEPT YOUR APOLOGY AND WE DO MOST GRACIOUSLY FORGIVE YOU."

It was an astonishing outpouring of admiration and respect, considering that it was aimed at a Brooklyn politician and one whose difficulties involve an issue few of us can cope with unemotionally. What seems to have made the difference in Fred Richmond's case is the simple fact that he has been such a good, solid Representative. He has stayed in touch with his constituents and he has affected our lives in ways that Representatives ordinarily don't. Like the price of coffee and school lunches, and food stamps and mortgages, and pointing out the connection between the brownstones and the cornfields. It's elementary, when you think about it, but it's a course that few politicians seem willing or able to take.

John Rooney, in his thirty years in Congress, never accumulated the sort of loyalty that Fred Richmond seems to be enjoying. Rooney served a few special causes; everybody knew it, and that was that. After he died in 1975 people in the 14th spent incredibly little time remembering him. On April 3, the same day that Fred Richmond's world started to cave in with the knowledge that Jack Anderson was writing a column about him, the Korean bon vivant Tongsun Park testified in Washington that among the Congressmen he had blessed with gifts of cash was former Rep. John J. Rooney, Democrat of Brooklyn. Park's memory was that he had given Rooney $2,000 in 1970 and $2,000 in 1972. *The New York Times*, our hometown newspaper, mentioned this, without amplification, in paragraph thirteen of its story on the day's Park revelations. (Rooney, of course, is no longer with us, to confirm, deny or explain Park's testimony.)

A citizen of the 14th, one of that hardy but endangered species of small business owners who give the district so much of its flavor, was talking about this a few days later, and he said: "So who's surprised about Rooney? That's the sort of guy he was. I'm surprised he didn't get more." The same citizen, asked his feelings about the Richmond incident, said in the same hard-boiled, unlovely, Archie Bunker accent: "Look. I don't care about the guy's private life. It's what sort of a Congressman he is that counts. I'll vote for him again, any time he runs." He'll have the chance—a week after he hit the front page of the *Post* Richmond said that he will stand for re-election in the fall. □

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BOOKS & THE ARTS

Under Several Hats

LEGEND: The Secret World of Lee Harvey Oswald. *By Edward Jay Epstein. McGraw-Hill. 382 pp. $12.95.*

AARON LATHAM

This may be nothing, but . . .

The high-ranking Russian who recently defected to the United States resembles in many ways a spy code-named Fedora. The recent defector was the Soviet Union's top diplomat at the United Nations. Fedora was a KGB officer, working under diplomatic cover at the U.N., who passed Soviet secrets to the FBI. The defector's name, which has been in a lot of headlines lately, is Arkady Shevchenko. One wonders if his defection had anything to do with the publication of a new book, which tells the story of a spy, whom J. Edgar Hoover liked so much he named him after a hat. Hoover loved hats.

The book is Edward Jay Epstein's *Legend: The Secret World of Lee Harvey Oswald,* which is fascinating and definitely should be read. Fedora fits into the Oswald saga in a rather complicated way. Shortly after the assassination of John F. Kennedy, a Russian defector named Yuri Nosenko came to the United States with a critically important story to tell. He claimed to *know* that Oswald had *never* been recruited by the KGB. Some members of the American intelligence community thought the defector might be a phony: a "disinformation agent." But Fedora vouched for him. Which made some CIA officers wonder if the FBI's spy might not be a disinformation agent, too. Fedora developed a dent in his credibility.

At the time of the Kennedy assassination, Fedora was already in place at the U.N. spying for the FBI. Coincidentally, Arkady Shevchenko, the defector in the news these days, came to the U.N. in 1963. . . .

The speculation in which I have indulged above is not unlike the speculation in which Epstein indulges in *Legend.* By which I mean that Epstein's style is to lay out provocative evidence but not to draw any final conclusions. He suggests that everyone from Lee Harvey Oswald to former CIA Director William Colby may have been Soviet agents, but he leaves it at maybe. Whatever personal opinions he may have—what he really believes—he keeps under his fedora.

Edward Jay Epstein's book reads the way James Jesus Angleton's mind works. Angleton ran the Counter-Intelligence Department at the Central Intelligence Agency for a generation. It was his job to be the most suspicious man in America. He saw as many Russian spies around him as Howard Hughes saw germs.

Angleton's great loves are constructing elaborate conspiracy theories and growing rare orchids. I happen to know this because I once studied his career in conjunction with writing a novel about an orchid-loving spy. The only other orchid enthusiast I know is Ed Epstein. This is no coincidence. Angleton infected Epstein with a love of growing the exotic flower. In a sense, Angleton taught Epstein how to think and how to pollinate.

Actually, Angleton was only one of many anonymous sources to whom Epstein talked. He interviewed everyone from Richard Helms to former Marines who served with Oswald in Japan. And yet Angleton's point of view fills the book just as orchids now fill Epstein's New York apartment.

In *Legend,* Epstein quotes Angleton as follows: "In the field of intelligence, a legend is an operational plan for a cover, or a cover itself, depending on the mission." The implication of the title is that Oswald might have been living a legend at the time he shot Kennedy. In 1959, Oswald defected to the USSR, but three years later he returned to the United States, supposedly disillusioned with Soviet oppression. *Legend* raises the possibility that Oswald might have returned not at all disillusioned but as a committed Soviet agent.

James Jesus Angleton would naturally believe this. A measure of his paranoia is his firm belief that there is no Sino-Soviet split—that Moscow and Peking are only pretending to argue so we will lower our guard. In other words, Angleton believes that the entire Soviet foreign policy is a legend. And he believes China's foreign policy is a legend, too. If Angleton were right, this would be the largest conspiracy, involving the most people, that ever took place in the history of the world. A mind capable of swallowing such a large conspiracy would have no trouble at all digesting the supposed Oswald conspiracy.

So nothing is more natural than for Angleton to believe that the Russians sent Oswald home to America with a mission. That mission may not have been to kill Kennedy. He may have ad-libbed the assassination. Or he may have done it for the Cubans. But Angleton would be sure that he must have had some mission.

A corollary to this theory is: any agent who says Oswald wasn't a spy must be a double agent himself. So Nosenko must be a double agent. And Fedora must be a double, too. And former CIA Director William Colby, who sided with Nosenko, must be. . . .

Angleton has hated Colby for many years. It's mutual. They carried on their feud for almost a generation within the secret world of the CIA. And now they have transformed their secret political feud into a public literary feud. Angleton, via Epstein, has fired *Legend* at Colby. And in a few weeks, Colby will fire his own book, *Honorable Men,* back at Angleton.

At the end of *Legend,* then Director Colby fires Angleton and "purges" all the other people who distrusted Nosenko. And he hires Nosenko as a consultant to the new counterintelligence staff. If Angleton's view is correct, then this particular personnel move ranks with Britain's putting Kim Philby in charge of the Soviet section of MI6. The book closes on this picture: the double agents would seem to have finally inherited the Central Intelligence Agency.

In William Colby's soon-to-be-published memoir, he countercharges that Angleton emasculated the agency by trying to discredit practically all its spies. Colby says Angleton aborted operation after operation by claiming they were infiltrated with double agents. When Colby ran the Saigon station, he went so far as to exclude Angleton from all his operations. In Angleton's defense, it must be pointed out that our intelligence operation in Vietnam

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was saturated with double agents. Still you can be too afraid of doubles just as you can be too afraid of germs: an intelligence agency cannot live like Howard Hughes.

The Angleton-Colby feud transcends the personal. Their argument about double agents is really an argument about how much we should trust the Russians. Which means that it is also an argument over whether the cold war is over. Colby would say that it is. Angleton believes that the Russians are just pretending that it is. He would say that the end of the cold war is just another Russian legend. Angleton naturally sees *Legend* as a shot aimed at getting the cold war going again.

But one should never forget to be suspicious of a man as suspicious as Angleton. Anyone who spends that much time worrying about Russian disinformation might not be above countering with some American disinformation of his own. In *Legend*, our old friend Nosenko is quoted as saying, "A legend is a false biography." In the end, I am left wondering which better fits this definition: Oswald's legend or *Legend* itself. □

Algeria: Déjà *and* Prévue

A SAVAGE WAR OF PEACE. *By Alistair Horne. The Viking Press. 604 pp. $19.95.*

MICHAEL MEWSHAW

At first, in reading *A Savage War of Peace*, Alistair Horne's vast, complex, and utterly fascinating account of the Algerian War, one hopes America will be fortunate enough to have a gifted, objective historian such as Mr. Horne chronicle its involvement in Vietnam. But gradually it seems one *is* reading about Vietnam. Both the diction and the delusions of the two wars were unnervingly similar. The French too had their pacification programs, search-and-destroy missions, free-fire zones, napalm bombardments, body counts, internment camps and atrocities. Politicians in Paris repeatedly promised no more boys would be sent off to die in Algeria—even as these same politicians provided the army with as many troops as it requested and assured the *pied noir* population there would be no negotiations with the murderous National Liberation Front. As de Gaulle groped for a face-saving formula that would bring "peace with honor"—Nixon wasn't the first one to pursue that chimera—the war dragged on for four more years, ending only after mass betrayals and mass slaughters on both sides.

Alistair Horne doesn't limit himself to easy analogies with the American debacle in Vietnam. An Englishman, he has the requisite detachment and perspective to place the Algerian War in the context of other colonial conflicts, struggles for national liberation and terrorist campaigns. He alludes to events in India, Northern Ireland, Yugoslavia, Cuba, Argentina, Egypt, Palestine, Cyprus, Hungary and Czechoslovakia, and if the reader sometimes feels haunted by a sense of *déjà vu*, Mr. Horne offers by implication even more frightening *prévues* of what is likely to happen in Israel, Rhodesia and South Africa.

Yet *A Savage War of Peace* never loses focus, never squanders its effects by laboring for broader significance. Leaving the reader free to draw the appropriate comparisons and contrasts, Horne concentrates on those factors that made the Algerian War unique, irreconcilable, tragic.

While much of the world viewed the rebellion as just another colonial war, it didn't seem so to the French who, for more than a hundred years, had regarded Algeria as an integral part of their country, no different—well, not too *much* different—from Brittany and Provence. Unlike Tunisia and Morocco, which had been made protectorates, Algeria had had its vast territories officially transformed into departments. But naturally the indigenous Moslem population greatly outnumbered the European settlers. By 1954 there were more than 8 million *indigénes* as opposed to a million *pieds noirs*, and although French subjects, obliged to pay taxes and serve in the military, they were not French citizens. Algeria was entitled to send senators and deputies to Parliament, but at first only the *pieds noirs* enjoyed voting privileges. Later, a double electoral college was created, insuring that the European minority would never be at a political disadvantage.

By 1956 only eight out of 864 high administrative posts were occupied by Moslems. What was worse, a third of the indigenous population was unemployed or seriously underemployed, and their per capita income was less than 5 percent of the Europeans'. Politically disenfranchised, disinherited from their own land, most Algerians huddled in squalid sections of the cities or were forced into rural areas where starvation was not uncommon.

By comparison, the *pieds noirs* may have appeared well off, but they were far from rich and most could claim only marginal advantages over the Moslems. Eighty percent of them had emigrated from Spain, Italy and Malta, not France, and they feared that any concessions to the Arabs would come at their expense. While many *pieds noirs* were racist, even outspokenly Fascist, their attitude toward Algeria didn't differ much from that of more liberal Frenchmen. The Communist Party, for instance, consistently sided with the *pied noir* workers, and Socialist Minister of the Interior, François Mitterrand declared, "the only possible negotiation is war."

As Horne persuasively points out, the delusion that Algeria constituted an integral part of France prevented men of all stripes from comprehending, much less accommodating, the aspirations of a Third World people. Furthermore, the inability of moderates to withstand extremist pressures left the country with no rational alternative as the political confrontation exploded into a military campaign. Even Albert Camus found his attempts at mediation repudiated by the *pieds noirs* and infiltrated by the FLN, which wanted to use Camus's committee, *Amis du Manifeste et de la Liberté*, for propaganda purposes.

While *pieds noirs* had shortsighted personal reasons for resisting reforms which would have given Moslems equal rights, politicians with an eye to long-range planning also feared integration. With the Moslem population doubling every twenty years, Algeria could conceivably have dominated metropolitan France by the end of the century. Not even the balmiest FLN sympathizer wanted that.

Initially, full military intervention seemed the answer. After its humiliation in Indochina, the army was itching for a fight and it had learned a great deal from the Vietminh about guerrilla warfare. Contrary to popular misconceptions, the French did a masterful job of crushing the FLN both in the Battle of Algiers and in the countryside. But victories were enormously expensive, damaging the country's economic reserves, its social stability and

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its standing in the international community. Sniped at abroad by the likes of John Kennedy, who in a few years would launch the Cuban invasion and deepen America's involvement in Vietnam, and blasted at home by the likes of Simone de Beauvoir who claimed she preferred the Nazi occupation to the sight of French soldiers on leave in Paris, de Gaulle decided the only solution was self-determination for Algeria.

This change in policy was announced in his characteristically enigmatic manner with no explanation and no provisions for what had been promised—and continued to be promised—to the *pieds noirs*, to the army, and to the Algerians who remained loyal to France. De Gaulle's dealings with the FLN were likewise distinguished by ambiguity, sudden reversals and apparent indifference to consistency.

As a result, the FLN continued to fight even after the truce. Some elements of the French Army rebelled and the *pieds noirs* formed the OAS and started a campaign of counter-terrorism which matched in ferocity, if not in endurance, the FLN's eight-year scourge. Before it was over, the same French soldiers who had concentrated on killing Algerians were bombing and strafing residential areas where the *pieds noirs* made a demented last stand, vowing to leave nothing behind except scorched earth.

Finally in 1962, after months of negotiations, the war ended. Or at least the fighting between Algeria and France did. But the Evian Agreements, which supposedly guaranteed the rights of the *pieds noirs*, were disregarded almost immediately by Ben Bella's government. This scarcely mattered since the entire European population fled. A few token units of the French Army stayed behind during a transition period, and one of their duties was to disarm the *harkis*, the indigenous troops which had remained loyal. Then the French stood by and watched the *harkis* and their families murdered by the tens of thousands.

It is worth noting that Horne, always balanced, has no illusions about the FLN. After a discussion of the French Army's use of torture and its tendency toward indiscriminate reprisals, he observes that, "As other countries have discovered since (not least Britain), it is always easier to be coolly censorious about the excesses of the forces of order when one is happily far removed from the tragic sights of the outrages, and unaffected by the horrors of mutilated children and pretty girls."

He also makes it clear that the European population wasn't alone in suffering at the hands of the FLN. Thousands of Moslems were killed and maimed as the Liberation Front systematically eliminated moderates, Francophile Arabs, suspected traitors and collaborators, political deviationists and anybody who happened to be in the wrong place when the FLN decided it was the right time to heighten the climate of terror. Ideological infighting and constant purges also claimed the lives of thousands of rank-and-file members of the FLN, as well as some of its most important founders and leaders.

Horne tries to be evenhanded as he describes Algeria today, fifteen years after independence. But, in the opinion of this reviewer, something more than tentative observations can be made about a country which fought for eight years at a cost of more than a million lives in the name of freedom and self-determination, and yet now has neither.

Having deposed and imprisoned Ben Bella in 1965, Houari Boumedienne runs Algeria as a Third World Socialist state —a polite euphemism for an authoritarian regime which according to the Manhattan-based Freedom House has a Political Freedom Index of 17 out of a possible 100—the same as Saudi Arabia and Uruguay, less than Iran.

This curtailment of personal liberty might be justified if it had resulted in substantial improvement in the quality of life. But according to the Overseas Development Council, Algeria's Physical Quality of Life Index is 41—less than India, Lesotho or Botswana's, none of which has anything resembling Algeria's oil and natural gas reserves. Illiteracy is high and, since the population has doubled to 16 million, the unemployment rate is virtually the same as it was in 1954. According to Fadéla M'Rabet, author of *La Femme Algérienne*, "The woman is treated according to the racist principle of apartheid; she is still 'colonised.' " Furthermore, some experts on African affairs believe that Boumedienne's attacks on Morocco, his ally during the war, and his incursions into Mauritania and the former Spanish Sahara, are more literal attempts at neocolonization. But the greatest irony is that Algeria, while exporting revolution—or at least revolutionary rhetoric—remains resolutely totalitarian at home and still depends on massive infusions of French aid, as well as on what its 800,000 migrant workers send back each year from the bastions of European capitalism.

SURVEY OF THE WHOLE

World's lopsided
That's its trouble
Don't run in circle
Runs in a loop
Too much winter
In the wrong place
Too much summer
Around the sun
World's gimpy
Been turning so long
It's lumpy
A bad top
Day's not long enough
Spins on a nail
Night's too long
Bent out of kilter
World's a lemon
Wobbles in a loop
Around the sun
It's not an orange
Won't ever be sweet
Turns too fast
Turns too slow
Can't ripen
Too much desert
Too much snow

May Swenson

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None of this is to suggest that Algerians don't deserve independence, just that unfortunately they still don't have it. But neither should it be forgotten that by getting out from under French domination they have taken an important first step. De Gaulle wrote that during one of his visits to Algeria a young doctor dared to tell him, "What we Arabs want, and what we need . . . is to be responsible for ourselves instead of others being responsible for us." That is perhaps the single most important result of the Algerian War. For better or worse, the country is now responsible for what it does. □

Men of Questionable Honor

PORTRAIT OF A COLD WARRIOR. *By Joseph Burkholder Smith. G.P. Putnam's Sons. 448 pp. $10.95.*

DECENT INTERVAL. *By Frank Snepp. Random House. 590 pp. $14.95.*

THE CIA'S SECRET OPERATIONS. *By Harry Rositzke. Reader's Digest Press. 286 pp. $12.95.*

THE NIGHT WATCH. *By David Atlee Phillips. Atheneum. 309 pp. $9.95.*

MORTON H. HALPERIN

During the Watergate scandal, Art Buchwald complained that it was impossible to write humor columns since the stories on the front pages were more outrageous than anything he could conjure up. In a similar fashion, critics of the CIA now find their most serious charges against the agency pre-empted by retired agency officials who remain friendly to the CIA. Consider the following examples from the books under review and from William Colby's forthcoming memoir, *Honorable Men—My Life in the CIA*.

(*1*) The Rockefeller Commission was appointed by President Ford in an effort to "contain" the crisis caused by a *New York Times* story charging widespread illegal domestic operations by the CIA. The commission effort was widely viewed as a whitewash, but Mr. Colby was later fired for cooperating too fully with the commission. So reports Mr. Colby.

(*2*) The CIA regularly and routinely lies, not only to foreign publics and foreign governments but to the American people and even to clandestine officers of the CIA clandestine service. This acording to Joseph Buckholder Smith in his memoir, *Portrait of a Cold Warrior*, which provides numerous examples of lies by the CIA to its own staff.

(*3*) The Ford administration chose to conduct American intervention in Angola as a covert operation, not because there was any security reason to keep the operation secret but rather to avoid the democratic process and the Congressional debate which the administration feared, correctly, would lead to a resolution prohibiting American intervention in the conflict. This is the observation of Harry Rositzke in his memoir, *The CIA's Secret Operations*. Rositzke tries to distinguish between small, discreet operations which he feels are justified and the larger operations which he views as disastrous.

(*4*) The United States bears a heavy responsibility for the overthrow of the Allende government in Chile, whether or not it was actually involved in the last-minute coup. Mr. Smith cites a denial of such responsibility by William Colby, but he comments dryly that he too used to believe such things.

(*5*) According to Frank Snepp's *Decent Interval*, the CIA not only abandoned its agents when the United States left Saigon but it also left behind files which provided information to the Hanoi government about the activities of those agents.

(*6*) The CIA had active relationships with a whole range of Philippine politicians. CIA money and advice played a significant role in those elections, and in elections in many other countries. Smith reports first hand—the fruits of his assignment in the Manila station of the CIA, as well as in Latin America.

As this listing suggests, Smith's book, published in 1976 with relatively little fanfare, is in many ways the most interesting and important of the memoirs under review. Smith, while he remains basically friendly to the agency and in particular to its intelligence-gathering activities directed against the Soviet Union is, nevertheless, sharply critical of a number of agency activities. He did not clear his book with the CIA before publication and there were reports suggesting that the agency contemplated the kind of censorship against him that it had been permitted against Victor Marchetti and is now attempting against Frank Snepp. The agency apparently decided not to proceed since there were no serious revelations of current intelligence sources and methods in the book and since Smith remained friendly to the agency. The CIA also feared that attacking the book would call attention to it and stimulate sales.

In light of the recent charges by Philippine dictator Ferdinand Marcos that his principal opponent, Mr. Aquino, had had connections with the CIA, Smith's detailed description of his activities in the Manila station are of particular interest. He describes in several unduly long detailed chapters his active efforts to aid the party favorable to the United States in the 1959 Philippine Senatorial elections. Smith, who was known to all the Philippine politicians as a CIA agent, helped organize a ticket which the United States would be willing to support with money and propaganda. Smith reports that at his first meeting with Marcos, Marcos told him that "we really want American help to win this election." He provides other interesting insights into how the CIA operated in a country with allegedly free elections. For example, he reports that a Philippine organization called the National Movement for Free Elections (NAMFREL) which claimed to be an association of various civic groups, was actually founded and run by the CIA.

It has been announced that covert operations of the CIA are to be firmly controlled from the White House and that the Congress will be notified in advance of such operations. However, as both Smith and Rositzke make clear, the line between covert operations and espionage is very difficult to draw. Much of the activity of the CIA abroad involves recruiting among local journalists and politicians. Such individuals become, in Rositzke's words "agents of influence who not only provide information but who seek to steer the actions of their government or of their newspaper in ways that are consistent with American policy." Moreover, as Smith points out, the CIA can often pretend that a covert operation is simply an information gathering process. He describes this process in detail as it relates to the effort to manipulate the United States Government into intervening in Indonesia in 1958:

> So we began to feed the State Department and Defense Department intelligence that no one could deny was a useful contribution to understanding Indonesia. When they had read enough alarming reports, we planned to spring

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the suggestion that we should support the colonels' plans to reduce Sukarno's power. This was a method of operation that became the basis of many of the political action adventures of the 1960s and 1970s. In other words, the statement is false that CIA undertook to intervene in the affairs of countries like Chile only after being ordered to do so by the 5412 Committee, the Special group, the 303 Committee, or the 40 Committee, the small group of National Security officials who acted in the President's name under these various labels throughout the cold war. In many instances we made the action programs up ourselves after we had collected enough intelligence to make them appear required by the circumstances. Our activity in Indonesia in 1957-1958 was one such instance. We also made a few special contributions to the technique of making a situation appear to require that CIA steps in to correct it.

Like Smith's book, Frank Snepp's study of the last days of the Saigon regime was not cleared by the agency prior to publication. Snepp was no doubt aware not only of the CIA's legal efforts to prevent publication of Marchetti's book but of the fact, reported by Smith, that the CIA had actually stolen a copy of a book by another agent, Philip Agee, and had gone to considerable lengths to try to keep it from being published. Thus Snepp, using some of the deceptive techniques that Smith describes as being taught to all CIA officials, insured that his book was published by Random House without the CIA knowing he was going ahead with publication.

Although President Carter has denied reading *Decent Interval*, he asserted that it both reveals classified information injurious to the national security and contains nothing that would help improve intelligence-gathering activities of the United States Government. The opposite is true: the book reveals no classified information and does provide useful lessons for intelligence gathering.

In describing CIA activities in Saigon in the closing weeks, days and hours of the war, Snepp illustrates the conflict that inevitably develops when an intelligence-evaluation group is also implementing policy. The CIA station chief in Saigon manipulated the intelligence reports sent to Washington and the information leaked to the press in order to advance his policy perspective that a negotiated settlement could and should be arranged. Snepp demonstrates a number of instances in which CIA officials in Saigon leaked stories which aided their policy objectives even though the information directly jeopardized the life of an agent in the field. So much for the CIA's claim that its highest goal is to protect intelligence sources and methods.

It is not difficult to understand why the CIA is disturbed about the books of Snepp and Smith. It would, of course, prefer books which are cleared and which present the standard CIA line, such as David Atlee Phillips's *The Night Watch*. Rositzke and Phillips, who duly submitted to CIA approval, both indicate that there have been some excesses, and that the CIA was forced into doing things it should not do, but basically they accept the CIA's traditional activities, and they feel that it is time for the critics to go away and let the agency get back to business.

By bringing a lawsuit against Snepp and seeking to recover damages from his royalties, the CIA is hoping to deter hundreds of officials recently fired by its new chief, Admiral Turner, from writing their memoirs. A number of them reportedly are even now negotiating contracts with publishers. In light of the contrast between the Smith and Snepp books and the Rositzke and Phillips books, it is easy to understand why the CIA is in court and why we will all benefit if the effort fails. □

Agents, Informers and Narcs

THE INVESTIGATORS: Managing FBI and Narcotics Agents. *By James Q. Wilson. Basic Books. 220 pp. $10.*

SANFORD LEVINSON

In all of the current dispute about the Federal Bureau of Investigation, no one has seriously suggested abolishing the organization. Even those most upset by J. Edgar Hoover's tyranny and the wholesale violation of civil liberties by his agents admit that violations of at least some federal laws merit punishment and that a professional cadre of investigators is necessary to bring violators to justice. But if the FBI is a necessity, the question of FBI spying, recently much-publicized, assumes great importance.

James Q. Wilson, professor of government at Harvard University is often identified with the so-called "neoconservatives" associated with *The Public Interest*. Part of this identification comes from the fact that he rarely expresses outrage about injustices within the American political order. Perhaps a more important reason is his basic commitment to a point of view emphasizing the difficulty of changing complex processes of government. He is not necessarily complacent about the status quo; he is simply skeptical about changing it.

One might not share Wilson's politics; one might wish that he did express more outrage about the activities of the agencies he studied—the FBI and the Drug Enforcement Administration (DEA). He persuasively rejects Edward Jay Epstein's overheated argument in *Agency of Fear* that the predecessors of the DEA plotted a Nixonian *coup d'état*, but he fails to acknowledge the pervasive if undramatic political significance of these agencies. Yet Wilson presents a number of points which must be taken into account.

Wilson's central thesis is that organizational behavior, whether one is discussing police departments, businesses or other institutions, is shaped by the central tasks undertaken by the organization. "Tasks are defined by forces," says Wilson, "that are far more profound, and accordingly far more resistant to change, than the preferences of administrators." Those interested in the behavior of federal law-enforcement agencies delude themselves if they think changes in leadership will result in fundamental changes of behavior in the field. For example, appointing Ramsey Clark head of the FBI or DEA would make relatively little difference unless his appointment coincided with basic changes in the tasks of the respective agencies.

Wilson notes that most crimes are solved, if at all, in one of three ways. First, the criminal is caught in the act. Second, an informer tells the police who committed the crime. Finally, the police themselves "instigate" a crime—for example, by using undercover agents to place a bet or make a drug buy. In this last instance, one should note, the police do not "solve" a past crime so much as set up the arrest of a participant in a continuing criminal operation.

Since almost no federal crimes are solved through the first method, save the most amateurish bank robbery, the essential differences between the FBI and DEA have to do with their respective emphases on the other two methods.

Most crimes investigated by the FBI are brought to their attention by victims. Thereafter the agent must acquire

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information about the alleged crime by interviewing the victim and witnesses and through locating an informer (or, in the vocabulary preferred by the FBI, and used by Wilson, an "informant"). Agents are rarely "undercover"; they are expected to develop reliable informers rather than infiltrate the underworld themselves. (See Anthony Villano's autobiography, *Brick Agent*, for some fascinating stories about his "turning" various members of organized crime.)

The DEA, on the other hand, almost never has crimes brought to its attention by victims, nor indeed is there much interest in past crimes. Instead, the central task of the DEA informant is to introduce undercover agents to people who distribute illegal drugs. Such informers are generated through the promiscuous arrest of low-level pushers who are offered deals in return for cooperation. (The FBI, in contrast, relies mainly on financial and ideological incentives to get its informers.)

Infiltration of drug networks is carried out by DEA agents themselves. This practice means that DEA agents must adopt the manners and life styles of their quarries, and that narcotics agents are far more vulnerable to the temptations of easy money available by switching their loyalties to the underworld. Although Villano alleges that the Mafia might have successfully "turned" an FBI agent in the New York headquarters, the current "Froot Loops" scandal involving the sale of FBI information implicates only a clerk. No FBI agent anywhere has yet been shown to have been bought by criminals. Indeed, one of the reasons sometimes given for Hoover's reluctance to cooperate with various drug agencies, both state and federal, is his distrust of their integrity. (It is probably no coincidence that the one FBI office that allegedly is granted less than full confidence by fellow agents is the Las Vegas one.)

Although Wilson downplays the threats to civil liberties implicit in the methods of the DEA, he is aware of their unattractiveness. "Some citizens are dismayed," he writes, "by the fact that narcotics agents make undercover buys. Though the amount of such buying can, within limits, be altered, the alternative to behaving in this way is to make, *de facto*, the sale of narcotics legal. There is no third choice."

There is this essential difference between the DEA and the FBI: we *can* imagine simply abolishing the DEA by legalizing the possession and sale of all drugs. Wilson does not recommend this or any other policy, although Epstein supplies more than enough reasons to believe that the unrestricted sale of heroin is far less dangerous to our liberties than continued support of state and federal agencies committed to the fight against drugs. Fascism would come to America, Huey Long once said, disguised as a means of suppressing communism. Even if one joins Wilson, as I do, in rejecting Epstein's full scenario of the latent *coup*, there remains enough evidence to justify amending Long's statement to read that fascism will come disguised as the means of suppressing illegal drugs. Almost all violations of Fourth Amendment liberties, such as wiretapping, electronic surveillance and the extensive use of infiltrators, have received their strongest public legitimacy through use in the "war" against suspected pushers and their allies in organized crime.

What, then, of the FBI? Wilson returns to the interdependence of investigation and informants. While noting that "some citizens recoil at the thought of investigators recruiting and manipulating informants," Wilson goes on to argue that curtailing reliance on informants "is tantamount to abandoning criminal investigation, though not to arresting criminals." Without informants, arrests would take place only when criminals were caught in the act or identified by victims and eyewitnesses. "But where cases cannot be solved in this way, investigation becomes necessary, and overwhelmingly, investigation means informants."

He does not discuss whether it might be possible to exercise greater control over the use of informants, especially when they are used to infiltrate the private lives of their targets. The fact that the Supreme Court has been disgracefully lax concerning this issue does not excuse Wilson's failure to examine the merits of at least requiring informants to be covered by the same warrants that are necessary for a more traditional search. Still, even arguing for a warrant requirement concedes the legitimacy of the disguised agents.

Wilson might have exhibited more awareness of the FBI as a suppressor of civil liberties, but the important point, which he fully demonstrates is that even perfect recognition by the bureau of the rights of political dissidents would still leave us with the problem of enforcing federal laws (and catching the criminals) in other areas. And Wilson does make one telling observation when he discusses the FBI during the 1960s: It is probably a mistake to view the FBI as an organization "out of control"; Hoover shored up the prestige and autonomy of his agency by conforming to the desires of some of his political associates in the Presidency and in Congress who applauded his vigorous action against those they defined as social menaces. The attempt to blame Hoover alone for the defects of the FBI is thus an attempt to salvage the reputations of

DAWN LAKE

The Pueblo Indians believe that
Blue (Dawn) Lake, lying somewhere
on the peak of Taos Mountain, connects with water
below the world, ultimately with
the four encircling oceans.

Dawn Lake, I
see you enthroned
in genesis-blue—

Above, you
are yet below, with
an inward plunging—

You and the sky,
as one, parade
a cloud-knowledge—

Unseen, you
are close as
the lake of my eye—

Like you, I
climb raptly
the ladder of hours—

Etta Blum

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many of those whom Hoover was effectively serving, and it inhibits recognizing some of the structural bars to change described by Wilson.

Though the inherent importance of Wilson's subject might well have justified a much longer treatment, even this slender book stands as a contribution to the ongoing discussion of managing federal investigative agencies. And those of us who hope for radically transformed behavior of these agencies have special reason to take account of Wilson's cautions as to why that is unlikely. □

THEATRE

HAROLD CLURMAN

If there were no danger of misunderstanding I would describe *Catsplay* as pleasant goulash (Manhattan Theatre Club). I mean that the play is marked by a distinctive Hungarian raciness, the dish being a mixture of tangy sauce over bits of succulent meat. It may be taken as a substantial meal, though to some it smacks of dessert!

The author, Istvan Orkeny, was born in Budapest in 1912 and is held by some to be one of the outstanding dramatists in the East European theatre. Two seasons ago his first play, *The Tot Family* (which I have read but not seen), was produced at Washington's Arena Stage. *Catsplay*, less "absurd" and less political, was first staged in Hungary in 1971 and subsequently presented throughout Europe as well as at the Arena Stage last year.

In Orkeny there is an element of fantasy coupled with something close to farce over a sediment of melancholy. Though Orkeny is of a later generation than his compatriot Molnar, a generation greatly reduced in creature comforts, there is a "blood" relationship between them. With little of Molnar's teasing cynicism, Orkeny shows a similar smiling eccentricity, an abiding lust for life with a twinge of skepticism that is not without its hurt. It is all summed up in a rueful acceptance and taste for the whole mad "circus." Think of a musical modernist who salts gypsy tunes with a wrench of discord.

Two sisters, Bela and Giza, daughters of an army officer who killed himself after World War I to avoid disgrace or execution by the White Guards, have been separated by the hazards of the period. Giza, the elder, has settled near Munich; Bela has stayed on in Budapest. We meet them in the mid-1960s. Giza, partly paralyzed and confined to a wheel chair, is an affluent lady of impeccable dignity; Bela is poor, sloppy, irrepressibly romantic and madly "bohemian." One trait symptomatic of her "impossible" nature is her borrowing an elegant evening gown from a woman next door without a by-your-leave, intending of course to return it if she remembers. She has honored her now-deceased husband, but that did not prevent her from having a passionate love affair with a fat, unctuously deceitful, second-rate opera singer, on whom she still dotes and clings. The slob, forever dripping honeyed words, goes off with and marries Bela's best friend. Bela attempts suicide but, being totally inept, fails even in this.

Bela's daughter, a sober, industrious translator for a state organization, futilely tries to make her mother reasonable; Bela's son-in-law is a modest doctor who treats her with offhand forbearance. For who can take Bela seriously? She is a woman who amuses herself with an always-helpful neighbor nicknamed Mousie with whom she exchanges catlike meows as a call for assistance and a way of greeting. It is the sign and song of their friendship. All these personages are crowded together in adjoining rooms in a run-down apartment house.

The play is oddly constructed. We hear the content of letters the two sisters write each other. Giza constantly admonishes Bela, doing her best to straighten her out and, not succeeding in that, inviting her to come live with her in prosperous Germany. Bela insists that she prefers to rot in Budapest (with all the drawbacks that life there entails) rather than enjoy the comfort of a foreign land. Finally Giza admits that she admires, looks up to, envies Bela, for Bela has lived fearlessly and without regret a life rich in events and feelings, while she, Giza, has conducted herself in comformity with her class and has thus missed all real experience. In the end Giza goes to stay with Bela in her seedy domicile. After first impassively observing the "catsplay" between Mousie and her sister, she suddenly bursts into laughter and wets herself out of sheer pleasure at the spectacle.

In any summary of the play's meandering incidents, it is difficult to convey its various offbeat humors, its subtle poignancy, its almost covert celebration of a life endured despite countervailing circumstances. There are also oblique social overtones which are no doubt

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more readily perceived in Europe than here. The play is sentimental and apparently shapeless, but I found it warm and *molto simpatico*.

It is well acted by Helen Burns as Bela and by Katherine Squire as Giza. Ms. Burns has the right bounce and an admirable precision of speech and behavior; Ms. Squire, the right amalgam of rectitude and a certain dry understanding and sensibility. There are other good performances—Robert Gerringer, Bette Henritze, Susan Sharkey, Peter Phillips—and if Lynne Meadow's direction seems at moments to veer to the overly farcical, it is because only through a cast composed entirely of mid-European actors might an organic style for this play be achieved.

As director, Robert Brustein has turned a camera eye on Ibsen's *The Wild Duck* (Yale Repertory Theatre, New Haven). The justification for this —if it be one—is that Hjalmar Ekdal, the self-deluded guinea pig of Gregers Werle's misguided probing and truth telling, is a photographer. The first scene of the play opens with Hjalmar taking a picture of the people around the table at a party Haakon Werle is giving for his son. This works well for we see the rich guests before the play's actual text is spoken; it helps overcome what I previously regarded an awkwardly stagy bit of exposition.

The handsome setting is itself photographically framed. The inner image is revealed as if through the opening of a camera lens. The production as a whole is consistent with this "photographic" style. The result is sharp in its straight-on, bold and cold illumination. There is unmistakable clarity; we see all the points—points intelligently chosen by a director who understands Ibsen's intentions. But everything is made far too "pointy." The tone of the production, through its actors, becomes shrill, the drama harsh. Very few American actors have sufficient inner force to indicate power without shouting. Thus the production lacks the play's mystery, the finely tempered observation and insight and much of the comedy that is integral to it.

The playbill carries various quotations on the subject of photography. One of them from Kafka reads, "Photography concentrates . . . on the superficial. For that reason it obscures the hidden life which glimmers through the outlines of things. . . ." And Susan Sontag is quoted as saying, "The knowledge gained through still photographs will always be some kind of sentimentalism, whether cynical or humanist. It will be a knowledge at bargain prices. . . ." And Ibsen himself in reaction to the critic who denied poetic quality to *Peer Gynt* wrote, "If I am not a poet . . . I shall try my hand as a photographer." But he was a poet and not what is commonly regarded as a photographer, a simple recorder of data. The Yale production gives us only the outlines of *The Wild Duck* and lacks the knowledge of its poetry.

There are merits here and there in the staging and in the acting but both are damaged by making everything so plain. I have written so much recently about Ibsen that I do not wish to engage once again in a précis of the play's meaning and mood or its place in the context of his work. Still, I cannot end this notice without setting down that I overheard the woman who sat next to me remark, "The play is strange and quite beautiful." This made me realize that a large part of the audience was seeing *The Wild Duck* for the first time and discovering, for all the production's shortcomings, that Ibsen was no fuddy-duddy "classic" but a living master. That at least is a credit due the Yale presentation. □

FILMS

ROBERT HATCH

Charlie Chaplin's *A Woman of Paris* was released in 1923, when I was a schoolboy, and I do not rightly recall why it soon fell out of general circulation. I believe, however, that it was because the public could not reconcile itself to a Chaplin movie in which Chaplin did not appear. (His fans could hardly have been put off by the narrative—it is pure Chaplin: the sudden reversals of fortune; the proposition that neither wicked wealth nor proud poverty assures happiness; the juxtaposition of tears and hilarity; the "throwaway" comment, so swift and deft as almost to seem legerdemain, all these are stock elements of the immortal tramp pictures.) Whatever the reasons, the picture has become a legend, and it may be a good thing that so many of us have waited more than half a century to see it. One attends it today not for its narrative—the story is pure manipulated sentimentality—but as a visual work of art and a virtuoso demonstration of the eloquence of pantomime.

I announce no discovery when I remark that Chaplin's mastery of the silent screen was never excelled. Indeed, when he was on it, or when he was directing actors who understood its opportunities and limitation (in Adolphe Menjou and Edna Purviance he had two of the best of them), the screen was simply not silent. I did not count them, but it seems to me that there were hardly more than a dozen subtitles in *A Woman of Paris*, yet in retrospect the picture seems to buzz with witty, catty and touching conversation.

But a virtue of silence—aside from the pleasure one derives from the physical eloquence of the acting—is its economy. An enormous amount of "information" is packed into this eighty-three-minute picture, since almost every episode both sustains the plot and carries the author's comment on the bit of human behavior under view—comment ranging from sardonic laughter through affection for folly to the most shameless tear-jerking. Though it is probably unfair to call the last of these shameless—Chaplin really believed that into every life a little rain must fall and that time heals all wounds; his own life was the picaresque fairy tale that proved their truth. Obviously, films today both state and imply, and like all the great directors of his time, Chaplin was forbidden

KICKING THE CANDLES OUT

I have sat below a platform in Scotland
In a cold room where Sunday school met
And overhead watched the men dancing,
Their thighs flexing the beat
Into their waists, their arms curled like antlers,
And their women, as good dancers as they,
As muscular and light, shouting.
Hours of music I can no longer hear
Keeps them sweeping their boot toes
So near the ceiling with its cracks and rain-patches
That they graze the lights hanging on chains
Making them turn in a drizzle of plaster
Slowly as planets, and keeping them turning.

Mark Jarman

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certain complexities of communication. But for all that, the silent pictures, speaking to only one of our senses, got the job done with marvelous efficiency.

A Woman of Paris is like an opera in that one remembers it less as a continuing narrative than as a series of magnificent episodes, to which one gives titles: The Necklace, The Restaurant Kitchen, The Unveiling of the Portrait, The Rival Unmasked, etc. It is a temptation to describe them, but words, quite literally, would not do them justice, and it would be playing Chaplin false to rob him of his surprises. I will let myself describe only one—The Suicide of the Thwarted Lover (Carl Miller). Having fired the fatal bullet, this splendid young man doubles over and pirouettes in the convention of the period, but when he falls, his head lands in the basin of the restaurant's ornamental fountain—it is a detail that shocks the scene out of its staginess; that unhappy fellow is palpably *dead*.

Menjou was only at the start of his career when Chaplin picked him to play the wealthy philanderer, Pierre Revel, but under that direction he seemed to jump in one leap into the role that made him famous: the wicked comedian, all charm, no heart and as vulgarly handsome as the devil must surely be. And Edna Purviance was his perfect partner, an amalgam of feminine weakness, girlish glee and resilient courage. It is a silent picture, but you can almost hear their blades clash. □

MUSIC

DAVID HAMILTON

Mr. Hamilton concludes the discussion of music available on radio which he began in the issue of March 18.

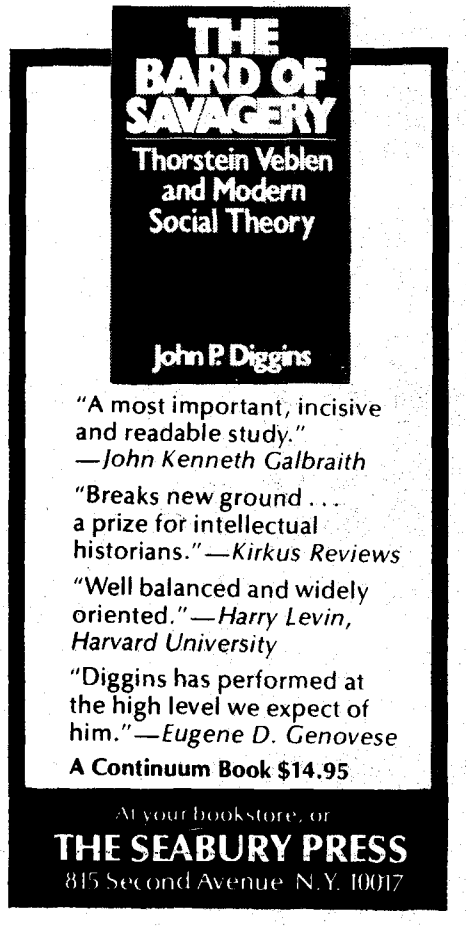
The initial sonority of Jacob Druckman's *Chiaroscuro* is a dense, quiet chord in the full orchestra that then partially disperses and reforms itself. Succeeding chords become more volatile, fragmenting in different directions, subsiding into undulations, sliding or dancing around. The reach of the gestures is various, and so is the relief in which they are set—sometimes against silence, at other times against busy unmeasured ostinato figures that build a thick blanket of tone.

There's no use listening here for the kind of traditional symmetries that mark, say, the Tippett and Bernstein pieces I discussed in my last column. Though sonorities and gestures recur in identifiable transformations, the logic is one of continuous development, the material shifting to express the contrasts of light and dark implicit in the title. Much of the orchestral writing is brilliant and showy, but the darker impastos (if I may extend the painterly suggestion of the title) struck me as problematic—harder for the ear to "read" and thereby less successful in sustaining interest. To a degree, this may have been a fault of the performance I heard, by the New York Philharmonic under Lorin Maazel, which certainly lacked ideal precision in the filigree writing and perhaps also clarity and balance elsewhere. *Chiaroscuro* is one of those National Endowment for the Arts bicentennial commissions that do the rounds of the six major orchestras; it started in Cleveland last April (also under Maazel), and has now been broadcast at least three times: from Cleveland, New York and Boston. (I heard it also in Avery Fisher Hall, so my reservations about its effect ought not to be attributed to limitations of broadcast transmission.) Like all of Druckman's orchestral works, this one is full of interesting sounds; their appeal is clear, but the shape and logic of the whole remains occasionally obscure to this listener.

In another sense problematic seemed George Crumb's *Star-Child*, which was introduced a year ago on one of Pierre Boulez's final concerts with the New York Philharmonic, but didn't turn up in their radio series until this season. Commissioned by the Ford Foundation for the soprano soloist, Irene Gubrud, *Star-Child* is Crumb's most elaborately scored work to date—a "Parable for Soprano, Antiphonal Children's Voices and Large Orchestra," to Latin texts, mostly of medieval origin. Here too an opposition of dark and light is invoked by the composer: "Binding the work together is a sense of progression from darkness (or despair) to light (or joy and spiritual realization) as expressed by both music and text." Instrumentally, this progression is straightforwardly, even simplistically, carried out, over a considerable time span (some thirty-two minutes) during which the limited materials are sparsely deployed. Against a gently rotating background of string chords ("Music of the Spheres"—quite literally a background, for the strings are placed at the back of the stage, with their own conductor) are successively superimposed: a prayer for the soprano "Libera me, Domine . . .") duetting with a trombone; a threatening, sometimes raucous, repeated rhythmic figure (the Four Horsemen of the Apocalypse); an accumulation of showy trumpet cadenzas (the seven apocalyptic trumpets—two of them on stage, five sprinkled around the auditorium); and, finally, bright music for the soprano, boy choirs and bells. This last episode fades from ecstatic chanting into quiet whispers, leaving the "Music of the Spheres" still playing at the end.

Though often striking in themselves, these materials are not developed with anything like the subtlety one has come to expect from Crumb's chamber works. It is as if, in the expansion of scale to orchestral-choral proportions, his language has been diluted to an oppressive simplicity, his wonted finesse of detail fallen by the wayside; means have overcome ends. The performance offered ample fervor, especially on the part of Miss Gubrud, and the logistical complexities were well organized by Boulez and three assistant conductors.

The American Composers Orchestra, founded last year, assembles many of New York's most expert free-lancers into a strong ensemble, devoted to new and neglected native works. At the second of this season's three concerts (broadcast live on WNYC in New York and then syndicated on tape by National Public Radio), I was particularly impressed by Roger Reynolds's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Fiery Wind, a fifteen-minute orchestral work propelled by a thrice-cresting surge of multiple ostinato patterns (the "wind" of the title). This was vividly imagined and stirringly carried out, each of the three phases containing—and eventually fading behind—a distinctly different character. With as much visceral impact as the tom-tom rhythms of Crumb's Four Horsemen, *Fiery Wind* provided also kaleidoscopic textural variety as it unfolded into what was easily perceived as a single compelling gesture. No small credit, too, to the excellent orchestra, led with impetus and clarity by Dennis Russell Davies. (The final concert of this series, conducted by Gunther Schuller, is scheduled for May 23, at Alice Tully Hall.)

More elusive in its broadcast form—indeed, called to my attention only by a timely phone call from a colleague—was John Harbison's *The Flower-Fed Buffaloes*, first played in Boston on February 28 by Speculum Musicae, with baritone David Evitts and the Emmanuel Choir of Boston, and repeated in New York two nights later; on the intervening evening, a tape of the Boston première was played during an interview program on WKCR. Commissioned by the New York State Bar Association to celebrate its centenary, this setting of five poems (one each by Hart Crane, Michael Fried and Gary Snyder; two by Vachel Lindsay) tacked off from the prescribed topic—a speech by Learned Hand entitled "The Spirit of Liberty"—in a direction that would doubtless have met with the eminent jurist's understanding but may well have struck some of the association's more conservative members—were they to read and ponder the poems—as downright subversive of official values. Such matters as the disappearance of the frontier and of the Native Americans, and the self-destructive strains in our national life, are movingly and unpretentiously adumbrated in these songs (three for chorus, two for baritone soloist—one sung, the other spoken) that are simple, direct, and withal subtle in their use of materials frequently vernacular in origin (such as a loping rhythmic underpinning for the title poem). The composer conducted, expertly and sensitively. If the choral enunciation left something to be desired, Speculum Musicae's ensemble was characteristically secure and Evitts a resonant, well-spoken advocate of both words and notes. Harbison's piece reminded us that you don't have to say something loudly to say it effectively. (A studio recording was made immediately following the concert, for issue later in the year.) □

INDIGENOUS MUSIC/ Nat Hentoff

A young trumpeter I know has a warm, silvery sound and phrases with a singing lyricism that recalls the late Bobby Hackett. Indeed, he plays as if jazz practically stopped with Hackett's generation. He gives hardly any indication of having heard Dizzy Gillespie, Miles Davis, or the current experimenters of his own age. Yet the improviser, in his early 20s, insists he is not obsessed by ghosts. "This is the way I feel the music," he says. "The 'modern' sounds strike me as unnatural. The only way I can be myself is to build on Hackett and on the man he learned from, Louis Armstrong. What's wrong with that?"

I used to think there was a lot wrong with it—that it was mulishly eccentric for a musician to separate himself so completely from the rest of his generation. Like a fledgling novelist writing in the style of Asheville's Thomas Wolfe. My prejudice was greatly reinforced by the "revivalist" bands of the 1940s—stiff young whites trying to sound exactly like black New Orleans musicians of a wholly other time and background. Indeed, the most embarrassingly anachronistic of those combos appeared not only to have memorized every note of the old records but also to have included the record scratches in their striving for total authenticity.

Only in recent years have I accepted the possibility that there are a few jazz musicians in each generation who naturally—and with genuine inventiveness—are at home with earlier jazz styles. The most robustly persuasive of these time-stoppers is Scott Hamilton, a 23-year-old tenor saxophonist from Providence, R.I., who is becoming a stalwart of that part of the New York jazz scene which is unfashionably ecumenical. His roots are in the big-toned, deeply swinging tradition of Coleman Hawkins and especially Ben Webster. (Hamilton's sinewy, breathy ballad playing makes him sound like a most favored child of Ben.)

There are no intimations in Hamilton's playing of such post-swing-era tenor innovators as John Coltrane or Sonny Rollins. And yet, he is so honestly himself that there is nothing in the least self-conscious about his decision not to be "modern." And what counts, after all, is the genuine excitement he generates—playing with so hot a sound and with such rhythmic and emotional presence.

A particularly satisfying Hamilton session is *Bob Wilber and the Scott Hamilton Quartet* (Chiaroscuro/Audiofidelity). Wilber, 50, is another example of a jazzman who refused to sound like the rest of his generation. In the mid-1940s, when improvisers of his age were finding their Pied Piper in Charlie Parker, Wilber studied with Sidney Bechet, the New Orleans patriarch of the soprano saxophone. Later, he formed a mixed band (in ages as well as colors) that studiously performed historic jazz scores, many of them going back to the 1920s. It was earnest to a fault, except for one uncharacteristic night when all the members, having bought wristwatch alarms, synchronized them to create a quite astonishing, clanging break during a Jelly Roll Morton tune.

In the years that followed, Wilber relaxed musically, incorporating elements of swing-era players he liked, and even some Charlie Parker. He continues to abhor stylistic hipness for its own sake, and his work remains decidedly non-avant-garde, although he has the technique and musicianship to be as "advanced" as nearly anyone on the scene. Like Hamilton, Wilber prefers music that is a natural extension of his temperament, and for him that means crisply swinging, melodically clear "mainstream" jazz.

In the Chiaroscuro set with Hamilton, Wilber plays alto, soprano and clarinet; and on alto, he keeps the spirit of Johnny Hodges very much alive, though not in mere Xerox form.

For the mainstream sound at one of its sources, *Buddy Tate Meets Dollar Brand* on another Chiaroscuro/Audiofidelity album. Tate, 63, came out of Texas and has that Southwest twang and drive in his playing that can also be heard in Bob Wills's jazz-laced country music. A Count Basie alumnus, Tate has a big, enveloping, thrusting sound and a lyrical strength that can be exhilarating, as in *Poor Butterfly*. The marvelously attentive rhythm section includes bassist Cecil McBee, drummer Roy Brooks, and the resourceful South African pianist, Dollard Brand.

Tate's playing has seemed to me to become more youthful each year, and since his horn speaks with such power and sensitivity, I can now understand a player in his 20s deciding to follow Buddy's invigorating lead for a time. □

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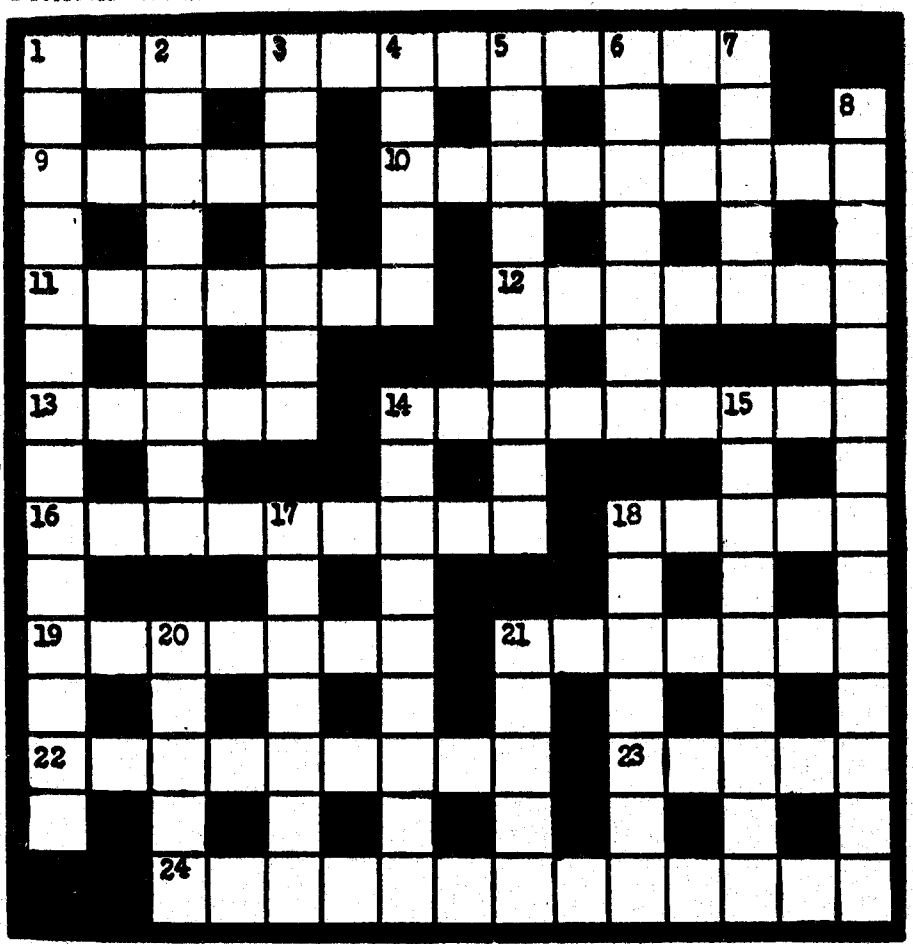
PEACE SEMINAR to Soviet Union for disarmament and detente discussions will occur August 6-27. Tour to Cuba, October 7-21. Applications are welcome. Contact Promoting Enduring Peace, Box 103, Woodmont, Conn. 06460.

Crossword Puzzle No. 1724

FRANK W. LEWIS



ACROSS

1 How do you get a message to someone in Warsaw? (It might take more than one wire.) (9,4)
9 Chronicles follow the book. (5)
10 Enter a pet in this, possibly, and get inside. (9)
11 Attempt to get around the wise men returning with three wives. (7)
12 A classical humbugger. (7)
13 Divided into the sound of it. (2 3)
14 Do not read incorrectly what the ads recommend for the perspiring viewer. (9)
16 The manufacturer might, before shipping arms handled by some station attendants. (6,3)
18 Implying more than one that so comes back in the evironment. (5)
19 Stretches out. (7)
21 Someone like 8 to send between two points. (7)
22 If the post gets improper treatment, it's a possible halter for the criminal. (4,5)
23 Might one consider it the magic of March? (5)
24 Certainly not animal curiosity, though you often see such a story. (5,8)

DOWN

1 The light-fingered might (somewhat ungrammatically) when people get careless, as they sometimes do on vacation. (4,6,4)
2 and 20 An elephant is, whether old or not. (4,2,3,5)
3 The postage varies, being no longer a responsibility of the German government. (7)
4 Things do, if apropos. (5)
5 How easy wins occur is quite different from what the highwayman might say. (5,4)
6 Get onto, rather around, the air turbulence of the city. (7)
7 Muse in lovesome style. (5)
8 Too early to be called great—his must have been a limited company at times. (5,3,6)
14 Dieting so is unusual, but alimentation is improved by it. (9)
15 A powerful time—for good or bad. (6,3)
17 Retreat, but don't necessarily give up here. (7)
18 One of the things sold by Buttercup. (7)
20 See 2 down
21 The Spanish start and the French end in a spritely way. (5)

SOLUTION TO PUZZLE TO 1723

ACROSS: 1 Backs; 4 Lip-reader; 9 Skindiver; 10 Creel; 11 Oriflamme; 12 Music; 13 Flat denial; 17 Inactivity; 21 Harem; 22 Means test; 23 Crepe; 24 Dog-eat-dog; 25 Passenger; 26 Sides; DOWN: 1 Boston; 2 Critic; 3 Saddle; 4 Love me, love my dog; 5 Perfect stranger; 6 Encumber; 7 Deerskin; 8 Roll call; 14 Nightcap; 15 Hairless; 16 Stampede; 18 Oscars; 19 Seeded; 20 Stages.

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